

# STATE LAW LIBRARY OF MONTANA

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## Legislative History – Montana Session Law

Chapter: 391      Session L: 2021

Bill Number: SB 83

### Checklist of Bill History

|                                |                                     |
|--------------------------------|-------------------------------------|
| History and Final Status Sheet | <input checked="" type="checkbox"/> |
| Introduced Bill                | <input checked="" type="checkbox"/> |
| Fiscal Note                    | <input type="checkbox"/>            |
| Third Reading Bill             | <input type="checkbox"/>            |
| Final Version of Bill          | <input type="checkbox"/>            |

| House                       | Senate                            |
|-----------------------------|-----------------------------------|
| Committee: Judiciary        | Committee: Judiciary              |
| Hearing Date(s): 3/24/2021  | Hearing Date(s): 1/14/2021        |
| Committee Report: 3/26/2021 | Committee Report: 1/21 & 2/3/2021 |

### Conference Committee

Hearing Date(s):

Conference Committee Report:

### Compiler Notes

Compiled by: SK Marshall

Date: 12/26/24

Notes: Audio/Video recordings can be found here:

<https://sg001-harmony.sliq.net/00309/Harmony/en>

Thank  
you!

## Exported Data

| Date     | Action                                                 | Committee        | Votes (Yes) | Votes (No) | Media |
|----------|--------------------------------------------------------|------------------|-------------|------------|-------|
| 04/30/21 | Chapter Number Assigned                                |                  |             |            |       |
| 04/29/21 | (S) Signed by Governor                                 |                  |             |            |       |
| 04/23/21 | (S) Transmitted to Governor                            |                  |             |            |       |
| 04/23/21 | (S) Signed by President                                |                  |             |            |       |
| 04/23/21 | (H) Signed by Speaker                                  |                  |             |            |       |
| 04/13/21 | (C) Printed - Enrolled Version Available               |                  |             |            |       |
| 04/13/21 | (S) Returned from Enrolling                            |                  |             |            |       |
| 04/12/21 | (S) Sent to Enrolling                                  |                  |             |            |       |
| 04/09/21 | (H) Returned to Senate                                 |                  |             |            |       |
| 04/09/21 | (H) 3rd Reading Concurred                              |                  | 91          | 5          |       |
| 04/09/21 | (H) Scheduled for 3rd Reading                          |                  |             |            |       |
| 04/08/21 | (H) 2nd Reading Concurred                              |                  | 95          | 5          |       |
| 04/08/21 | (H) Scheduled for 2nd Reading                          |                  |             |            |       |
| 03/30/21 | (H) 2nd Reading Pass Consideration                     |                  |             |            |       |
| 03/30/21 | (H) Scheduled for 2nd Reading                          |                  |             |            |       |
| 03/26/21 | (H) Committee Report--Bill Concurred                   | (H)<br>Judiciary |             |            |       |
| 03/26/21 | (H) Committee Executive Action--Bill Concurred         | (H)<br>Judiciary | 16          | 3          |       |
| 03/24/21 | (H) Hearing                                            | (H)<br>Judiciary |             |            |       |
| 03/13/21 | (H) Hearing Canceled                                   | (H)<br>Judiciary |             |            |       |
| 02/10/21 | (H) First Reading                                      | (H)<br>Judiciary |             |            |       |
| 02/10/21 | (H) Referred to Committee                              | (H)<br>Judiciary |             |            |       |
| 02/08/21 | (S) Transmitted to House                               |                  |             |            |       |
| 02/08/21 | (S) 3rd Reading Passed                                 |                  | 48          | 1          |       |
| 02/08/21 | (S) Scheduled for 3rd Reading                          |                  |             |            |       |
| 02/05/21 | (S) 2nd Reading Passed                                 |                  | 50          | 0          |       |
| 02/05/21 | (S) Scheduled for 2nd Reading                          |                  |             |            |       |
| 02/03/21 | (S) Committee Report--Bill Passed as Amended           | (S)<br>Judiciary |             |            |       |
| 02/03/21 | (S) Committee Executive Action--Bill Passed as Amended | (S)<br>Judiciary | 11          | 0          |       |
| 02/02/21 | (C) Amendments Available                               |                  |             |            |       |

| Date     | Action                                            | Committee        | Votes<br>(Yes) | Votes<br>(No) | Media |
|----------|---------------------------------------------------|------------------|----------------|---------------|-------|
| 01/14/21 | (S) Hearing                                       | (S)<br>Judiciary |                |               |       |
| 01/07/21 | (S) Referred to Committee                         | (S)<br>Judiciary |                |               |       |
| 01/07/21 | (S) First Reading                                 |                  |                |               |       |
| 01/07/21 | (C) Introduced Bill Text Available Electronically |                  |                |               |       |
| 01/07/21 | (S) Introduced                                    |                  |                |               |       |
| 01/04/21 | (C) Draft Delivered to Requester                  |                  |                |               |       |
| 12/31/20 | (C) Draft Ready for Delivery                      |                  |                |               |       |
| 12/30/20 | (C) Executive Director Final Review               |                  |                |               |       |
| 12/30/20 | (C) Draft Ready for Delivery                      |                  |                |               |       |
| 12/18/20 | (C) Draft in Assembly                             |                  |                |               |       |
| 12/18/20 | (C) Executive Director Review                     |                  |                |               |       |
| 12/18/20 | (C) Bill Draft Text Available Electronically      |                  |                |               |       |
| 12/18/20 | (C) Draft in Final Drafter Review                 |                  |                |               |       |
| 12/18/20 | (C) Draft in Input/Proofing                       |                  |                |               |       |
| 12/18/20 | (C) Draft to Drafter - Edit Review                |                  |                |               |       |
| 12/11/20 | (C) Draft in Edit                                 |                  |                |               |       |
| 12/11/20 | (C) Draft in Legal Review                         |                  |                |               |       |
| 12/02/20 | (C) Draft to Requester for Review                 |                  |                |               |       |
| 11/23/20 | (C) Draft to Requester for Review                 |                  |                |               |       |
| 11/16/20 | (C) Draft to Requester for Review                 |                  |                |               |       |
| 11/11/20 | (C) Draft to Requester for Review                 |                  |                |               |       |
| 10/13/20 | (C) Draft Request Received                        |                  |                |               |       |

SENATE BILL NO. 83

INTRODUCED BY B. HOVEN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SPECIAL LIEN LAWS; ALLOWING A  
NONPOSSESSORY SPECIAL LIEN ON IMPLEMENTS OF HUSBANDRY, CONSTRUCTION EQUIPMENT,  
~~WHEELED OFF-ROAD VEHICLES~~ FORESTRY EQUIPMENT, AND MOTORIZED LAWN CARE AND  
LANDSCAPING EQUIPMENT; PROVIDING FOR ENFORCEMENT OF NONPOSSESSORY SPECIAL LIENS;  
AND AMENDING SECTIONS 71-3-1201 AND 71-3-1203, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 71-3-1201, MCA, is amended to read:

**"71-3-1201. Liens for service -- towing and storage lien -- extension of lien to certain personal property contained in motor vehicle that is subject to lien -- nonpossessory special liens.** (1) If there is an express or implied contract for collecting, processing, packaging, or storing embryos or semen from livestock, a reproductive technology business to whom embryos or semen is entrusted and who still has possession has a lien upon the embryos or semen for the amount due for collecting, processing, packaging, or storing the embryos or semen and may retain possession of the embryos or semen until the sum due is paid.

(2) (a) A person who, while lawfully in possession of an article of personal property, renders any service to the owner or lawful claimant of the article by labor or skill employed for the making, repairing, protection, improvement, safekeeping, carriage, towing, or storage of the article or tows or stores the article as directed under authority of law has a special lien on the article. ~~The~~ Except as provided in subsection (2)(c), the lien is dependent on possession and is for the compensation, if any, that is due to the person from the owner or lawful claimant for the service and for material, if any, furnished in connection with the service. If the service is towing or storage, the lien is for the reasonable cost of the towing or storage.

(b) Any personal property that is in a motor vehicle that is subject to a lien as provided in subsection (2)(a) is also subject to the lien, except for the following:

(i) food items;



1 (ii) perishable goods;  
2 (iii) prescription items;  
3 (iv) operators' licenses and other identifying documents;  
4 (v) cash, credit cards, debit cards, checks, or checkbooks;  
5 (vi) personal records, legal records, and business records;  
6 (vii) child safety items; and  
7 (viii) wallets, purses, bags, or other containers that contain the items listed in subsections (2)(b)(iv)  
8 through (2)(b)(vi).

9 (c) A special lien is not dependent on possession if the person asserting the lien gives the owner or  
10 the owner's agent, or attaches to the article, a document identifying the article and its owner, the services  
11 performed, the cost of those services, the cost to the owner of any parts, accessories, or equipment installed,  
12 and the signature and contact information of the person asserting the nonpossessory special lien. The person  
13 desiring to assert a special lien upon the property must also file a financing statement in the office designated  
14 for filing as provided in 30-9A-501. A nonpossessory special lien may be asserted on:

15 (i) implements of husbandry as defined in 61-1-101;

16 (ii) construction equipment as defined in 61-10-102;

17 ~~(iii) wheeled off-road vehicles of every kind; and~~

18 ~~(iv)(iii) motorized lawncare and landscaping equipment; and~~

19 ~~(iv) forestry equipment.~~

20 (d) The special lien created under subsection (2)(c) may not take precedence over perfected security  
21 interests under the Uniform Commercial Code--Secured Transactions or other recorded liens on the property  
22 involved unless, within 30 days from the time of the completion of the service, repair, or improvement of the  
23 property, the person desiring to assert a special lien upon the property gives notice in writing to the secured  
24 party or other lienholder stating the intention to assert a special lien on the property under the terms of  
25 subsection (2)(c) and stating the nature and approximate amount of the work performed or other services  
26 furnished and the cost of any parts, accessories, or equipment installed. Service may be made either by  
27 personal service or by mailing by registered or certified mail a copy of the notice to the secured party or other  
28 lienholder at the last-known post-office address. Service must be considered complete upon the deposit of the

1 notice in the post office. "

2

3 **Section 2.** Section 71-3-1203, MCA, is amended to read:

4 **"71-3-1203. Enforcement of lien -- sale.** If payment for work, labor, or services performed or feed or  
5 material furnished is not made within 30 days after the performance of the work, labor, or services or furnishing  
6 of the feed or material, the lienor under the provisions of this part may enforce the lien in the following manner:

7 (1) The lienor may file a lien enforcement action in the district court of the county in which the:

8 (a) contract between the lienor and the owner of the property was entered into;

9 (b) owner resided at the time the lien enforcement action commenced; or

10 (c) property is located.

11 (2) When a claim is made under this section for a lien other than a nonpossessory special lien, an  
12 affidavit must be made by the lienor claiming the property or by someone on the lienor's behalf, stating:

13 (a) the facts that the lienor performed a service for the property owner entitling the lienor to a lien on  
14 the owner's property pursuant to 71-3-1201;

15 (b) that the service described in subsection (2)(a) was performed at the written or verbal request of  
16 the owner or owner's agent;

17 (c) a particular property upon which the lien is claimed; and

18 (d) an itemized list of the charges that are due and unpaid under the lien.

19 (3) When a claim is made under this section for a nonpossessory special lien, the lienor shall submit  
20 to the court:

21 (a) a copy of the document required by 71-3-1201(2)(c); and

22 (b) a statement of the charges that are due and unpaid under the lien.

23 ~~(3)~~(4) (a) If satisfactory, the court shall order the owner of the property to show cause why the  
24 property should not be sold pursuant to the procedures in this section. The order must include the date and  
25 time for a hearing. The hearing may not be held more than 20 working days after the date of the issuance of the  
26 order.

27 (b) The court order provided for in subsection ~~(3)(a)~~ (4)(a) must be served pursuant to the Montana  
28 Rules of Civil Procedure on the owner at least 5 days before the hearing date.

## 67th Legislature

SB 83.1.1

- END -

Amendments to Senate Bill No. 83  
1st Reading Copy

Requested by Brian Hoven  
For the (S) Judiciary

Prepared by Julianne Burkhardt  
01/25/2021, 03:22:07

1. Title, line 6.

**Strike:** "WHEELED OFF-ROAD VEHICLES"

**Insert:** "FORESTRY EQUIPMENT"

1. Page 2, line 12.

**Following:** "lien."

**Insert:** "The person desiring to assert a special lien upon the property must also file a financing statement in the office designated for filing as provided in 30-9A-501."

2. Page 2, line 17.

**Strike:** line 17 in its entirety

**Renumber:** subsequent subsections

3. Page 2, line 17.

**Following:** "equipment"

**Insert:** "; and

(iv) forestry equipment "

**Following:** line 17

**Insert:** "(d) The special lien created under subsection (2)(c) may not take precedence over perfected security interests under the Uniform Commercial Code--Secured Transactions or other recorded liens on the property involved unless, within 30 days from the time of the completion of the service, repair, or improvement of the property, the person desiring to assert a special lien upon the property gives notice in writing to the secured party or other lienholder stating the intention to assert a special lien on the property under the terms of subsection (2)(c) and stating the nature and approximate amount of the work performed or other services furnished and the cost of any parts, accessories, or equipment installed. Service may be made either by personal service or by mailing by registered or certified mail a copy of the notice to the secured party or other lienholder at the last-known post-office address. Service must be considered complete upon the deposit of the notice in the post office."

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.



AN ACT REVISING SPECIAL LIEN LAWS; ALLOWING A NONPOSSESSORY SPECIAL LIEN ON IMPLEMENTS OF HUSBANDRY, CONSTRUCTION EQUIPMENT, FORESTRY EQUIPMENT, AND MOTORIZED LAWN CARE AND LANDSCAPING EQUIPMENT; PROVIDING FOR ENFORCEMENT OF NONPOSSESSORY SPECIAL LIENS; AND AMENDING SECTIONS 71-3-1201 AND 71-3-1203, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 71-3-1201, MCA, is amended to read:

**"71-3-1201. Liens for service -- towing and storage lien -- extension of lien to certain personal property contained in motor vehicle that is subject to lien -- nonpossessory special liens.** (1) If there is an express or implied contract for collecting, processing, packaging, or storing embryos or semen from livestock, a reproductive technology business to whom embryos or semen is entrusted and who still has possession has a lien upon the embryos or semen for the amount due for collecting, processing, packaging, or storing the embryos or semen and may retain possession of the embryos or semen until the sum due is paid.

(2) (a) A person who, while lawfully in possession of an article of personal property, renders any service to the owner or lawful claimant of the article by labor or skill employed for the making, repairing, protection, improvement, safekeeping, carriage, towing, or storage of the article or tows or stores the article as directed under authority of law has a special lien on the article. ~~The~~ Except as provided in subsection (2)(c), the lien is dependent on possession and is for the compensation, if any, that is due to the person from the owner or lawful claimant for the service and for material, if any, furnished in connection with the service. If the service is towing or storage, the lien is for the reasonable cost of the towing or storage.

(b) Any personal property that is in a motor vehicle that is subject to a lien as provided in subsection (2)(a) is also subject to the lien, except for the following:

(i) food items;

- (ii) perishable goods;
- (iii) prescription items;
- (iv) operators' licenses and other identifying documents;
- (v) cash, credit cards, debit cards, checks, or checkbooks;
- (vi) personal records, legal records, and business records;
- (vii) child safety items; and
- (viii) wallets, purses, bags, or other containers that contain the items listed in subsections (2)(b)(iv) through (2)(b)(vi).

(c) A special lien is not dependent on possession if the person asserting the lien gives the owner or the owner's agent, or attaches to the article, a document identifying the article and its owner, the services performed, the cost of those services, the cost to the owner of any parts, accessories, or equipment installed, and the signature and contact information of the person asserting the nonpossessory special lien. The person desiring to assert a special lien upon the property must also file a financing statement in the office designated for filing as provided in 30-9A-501. A nonpossessory special lien may be asserted on:

- (i) implements of husbandry as defined in 61-1-101;
- (ii) construction equipment as defined in 61-10-102;
- (iii) motorized lawncare and landscaping equipment; and
- (iv) forestry equipment.

(d) The special lien created under subsection (2)(c) may not take precedence over perfected security interests under the Uniform Commercial Code--Secured Transactions or other recorded liens on the property involved unless, within 30 days from the time of the completion of the service, repair, or improvement of the property, the person desiring to assert a special lien upon the property gives notice in writing to the secured party or other lienholder stating the intention to assert a special lien on the property under the terms of subsection (2)(c) and stating the nature and approximate amount of the work performed or other services furnished and the cost of any parts, accessories, or equipment installed. Service may be made either by personal service or by mailing by registered or certified mail a copy of the notice to the secured party or other lienholder at the last-known post office address. Service must be considered complete upon the deposit of the notice in the post office."

**Section 2.** Section 71-3-1203, MCA, is amended to read:

**"71-3-1203. Enforcement of lien -- sale.** If payment for work, labor, or services performed or feed or material furnished is not made within 30 days after the performance of the work, labor, or services or furnishing of the feed or material, the lienor under the provisions of this part may enforce the lien in the following manner:

(1) The lienor may file a lien enforcement action in the district court of the county in which the:

- (a) contract between the lienor and the owner of the property was entered into;
- (b) owner resided at the time the lien enforcement action commenced; or
- (c) property is located.

(2) When a claim is made under this section for a lien other than a nonpossessory special lien, an affidavit must be made by the lienor claiming the property or by someone on the lienor's behalf, stating:

(a) the facts that the lienor performed a service for the property owner entitling the lienor to a lien on the owner's property pursuant to 71-3-1201;

(b) that the service described in subsection (2)(a) was performed at the written or verbal request of the owner or owner's agent;

(c) a particular property upon which the lien is claimed; and

(d) an itemized list of the charges that are due and unpaid under the lien.

(3) When a claim is made under this section for a nonpossessory special lien, the lienor shall submit to the court:

(a) a copy of the document required by 71-3-1201(2)(c); and

(b) a statement of the charges that are due and unpaid under the lien.

~~(3)(4)~~ (a) If satisfactory, the court shall order the owner of the property to show cause why the property should not be sold pursuant to the procedures in this section. The order must include the date and time for a hearing. The hearing may not be held more than 20 working days after the date of the issuance of the order.

(b) The court order provided for in subsection ~~(3)(a)~~ (4)(a) must be served pursuant to the Montana Rules of Civil Procedure on the owner at least 5 days before the hearing date.

~~(4)(5)~~ The lienor shall deliver to the sheriff of the county in which the property is located a copy of the

court's lien enforcement judgment.

~~(5)~~(6) Upon receipt of the court's lien enforcement judgment, the sheriff shall advertise and sell at public auction as much of the property covered by the lien as will satisfy the lien.

~~(6)~~(7) The sale must be advertised, conducted, and held in the same manner as prescribed in 25-13-701(1)(b).

~~(7)~~(8) The owner of the property may request a hearing in district court to contest any matter regarding the sale of the property.

~~(8)~~(9) The sheriff shall apply the proceeds of the sale to the discharge of the lien and the cost of the proceedings in selling the property and enforcing the lien, and the remainder, if any, or a part that is required to discharge the claims, must be turned over by the sheriff to the holders, in the order of their precedence, of the chattel mortgages or other lien claimants of record against the property, and the balance of the proceeds must be turned over to the owner of the property."

- END -



I hereby certify that the within bill,  
SB 83, originated in the Senate.

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Secretary of the Senate

---

President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

SENATE BILL NO. 83

INTRODUCED BY B. HOVEN

AN ACT REVISING SPECIAL LIEN LAWS; ALLOWING A NONPOSSESSORY SPECIAL LIEN ON IMPLEMENTS OF HUSBANDRY, CONSTRUCTION EQUIPMENT, WHEELED OFF-ROAD VEHICLES FORESTRY EQUIPMENT, AND MOTORIZED LAWN CARE AND LANDSCAPING EQUIPMENT; PROVIDING FOR ENFORCEMENT OF NONPOSSESSORY SPECIAL LIENS; AND AMENDING SECTIONS 71-3-1201 AND 71-3-1203, MCA.

## SENATE BILL NO. 83

INTRODUCED BY B. HOVEN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SPECIAL LIEN LAWS; ALLOWING A NONPOSSESSORY SPECIAL LIEN ON IMPLEMENTS OF HUSBANDRY, CONSTRUCTION EQUIPMENT, ~~WHEELED OFF-ROAD VEHICLES~~ FORESTRY EQUIPMENT, AND MOTORIZED LAWN CARE AND LANDSCAPING EQUIPMENT; PROVIDING FOR ENFORCEMENT OF NONPOSSESSORY SPECIAL LIENS; AND AMENDING SECTIONS 71-3-1201 AND 71-3-1203, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 71-3-1201, MCA, is amended to read:

**"71-3-1201. Liens for service -- towing and storage lien -- extension of lien to certain personal property contained in motor vehicle that is subject to lien -- nonpossessory special liens.** (1) If there is an express or implied contract for collecting, processing, packaging, or storing embryos or semen from livestock, a reproductive technology business to whom embryos or semen is entrusted and who still has possession has a lien upon the embryos or semen for the amount due for collecting, processing, packaging, or storing the embryos or semen and may retain possession of the embryos or semen until the sum due is paid.

(2) (a) A person who, while lawfully in possession of an article of personal property, renders any service to the owner or lawful claimant of the article by labor or skill employed for the making, repairing, protection, improvement, safekeeping, carriage, towing, or storage of the article or tows or stores the article as directed under authority of law has a special lien on the article. ~~The~~ Except as provided in subsection (2)(c), the lien is dependent on possession and is for the compensation, if any, that is due to the person from the owner or lawful claimant for the service and for material, if any, furnished in connection with the service. If the service is towing or storage, the lien is for the reasonable cost of the towing or storage.

(b) Any personal property that is in a motor vehicle that is subject to a lien as provided in subsection (2)(a) is also subject to the lien, except for the following:

(i) food items;

1 (ii) perishable goods;  
2 (iii) prescription items;  
3 (iv) operators' licenses and other identifying documents;  
4 (v) cash, credit cards, debit cards, checks, or checkbooks;  
5 (vi) personal records, legal records, and business records;  
6 (vii) child safety items; and  
7 (viii) wallets, purses, bags, or other containers that contain the items listed in subsections (2)(b)(iv)  
8 through (2)(b)(vi).

9 (c) A special lien is not dependent on possession if the person asserting the lien gives the owner or  
10 the owner's agent, or attaches to the article, a document identifying the article and its owner, the services  
11 performed, the cost of those services, the cost to the owner of any parts, accessories, or equipment installed,  
12 and the signature and contact information of the person asserting the nonpossessory special lien. THE PERSON  
13 DESIRING TO ASSERT A SPECIAL LIEN UPON THE PROPERTY MUST ALSO FILE A FINANCING STATEMENT IN THE OFFICE  
14 DESIGNATED FOR FILING AS PROVIDED IN 30-9A-501. A nonpossessory special lien may be asserted on:

15 (i) implements of husbandry as defined in 61-1-101;

16 (ii) construction equipment as defined in 61-10-102;

17 ~~(iii) wheeled off-road vehicles of every kind; and~~

18 ~~(iv) (iii) motorized lawncare and landscaping equipment; AND~~

19 (IV) FORESTRY EQUIPMENT.

20 (D) THE SPECIAL LIEN CREATED UNDER SUBSECTION (2)(C) MAY NOT TAKE PRECEDENCE OVER PERFECTED  
21 SECURITY INTERESTS UNDER THE UNIFORM COMMERCIAL CODE--SECURED TRANSACTIONS OR OTHER RECORDED LIENS  
22 ON THE PROPERTY INVOLVED UNLESS, WITHIN 30 DAYS FROM THE TIME OF THE COMPLETION OF THE SERVICE, REPAIR,  
23 OR IMPROVEMENT OF THE PROPERTY, THE PERSON DESIRING TO ASSERT A SPECIAL LIEN UPON THE PROPERTY GIVES  
24 NOTICE IN WRITING TO THE SECURED PARTY OR OTHER LIENHOLDER STATING THE INTENTION TO ASSERT A SPECIAL LIEN  
25 ON THE PROPERTY UNDER THE TERMS OF SUBSECTION (2)(C) AND STATING THE NATURE AND APPROXIMATE AMOUNT OF  
26 THE WORK PERFORMED OR OTHER SERVICES FURNISHED AND THE COST OF ANY PARTS, ACCESSORIES, OR EQUIPMENT  
27 INSTALLED. SERVICE MAY BE MADE EITHER BY PERSONAL SERVICE OR BY MAILING BY REGISTERED OR CERTIFIED MAIL A  
28 COPY OF THE NOTICE TO THE SECURED PARTY OR OTHER LIENHOLDER AT THE LAST-KNOWN POST-OFFICE ADDRESS.

1 SERVICE MUST BE CONSIDERED COMPLETE UPON THE DEPOSIT OF THE NOTICE IN THE POST OFFICE. "

2

3 **Section 2.** Section 71-3-1203, MCA, is amended to read:

4 **"71-3-1203. Enforcement of lien -- sale.** If payment for work, labor, or services performed or feed or  
5 material furnished is not made within 30 days after the performance of the work, labor, or services or furnishing  
6 of the feed or material, the lienor under the provisions of this part may enforce the lien in the following manner:

7 (1) The lienor may file a lien enforcement action in the district court of the county in which the:

8 (a) contract between the lienor and the owner of the property was entered into;

9 (b) owner resided at the time the lien enforcement action commenced; or

10 (c) property is located.

11 (2) When a claim is made under this section for a lien other than a nonpossessory special lien, an  
12 affidavit must be made by the lienor claiming the property or by someone on the lienor's behalf, stating:

13 (a) the facts that the lienor performed a service for the property owner entitling the lienor to a lien on  
14 the owner's property pursuant to 71-3-1201;

15 (b) that the service described in subsection (2)(a) was performed at the written or verbal request of  
16 the owner or owner's agent;

17 (c) a particular property upon which the lien is claimed; and

18 (d) an itemized list of the charges that are due and unpaid under the lien.

19 (3) When a claim is made under this section for a nonpossessory special lien, the lienor shall submit  
20 to the court:

21 (a) a copy of the document required by 71-3-1201(2)(c); and

22 (b) a statement of the charges that are due and unpaid under the lien.

23 ~~(3)~~(4) (a) If satisfactory, the court shall order the owner of the property to show cause why the  
24 property should not be sold pursuant to the procedures in this section. The order must include the date and  
25 time for a hearing. The hearing may not be held more than 20 working days after the date of the issuance of the  
26 order.

27 (b) The court order provided for in subsection ~~(3)(a)~~ (4)(a) must be served pursuant to the Montana  
28 Rules of Civil Procedure on the owner at least 5 days before the hearing date.

~~(4)~~(5) The lienor shall deliver to the sheriff of the county in which the property is located a copy of the court's lien enforcement judgment.

~~(5)~~(6) Upon receipt of the court's lien enforcement judgment, the sheriff shall advertise and sell at public auction as much of the property covered by the lien as will satisfy the lien.

~~(6)~~(7) The sale must be advertised, conducted, and held in the same manner as prescribed in 25-13-701(1)(b).

~~(7)~~(8) The owner of the property may request a hearing in district court to contest any matter regarding the sale of the property.

~~(8)~~(9) The sheriff shall apply the proceeds of the sale to the discharge of the lien and the cost of the proceedings in selling the property and enforcing the lien, and the remainder, if any, or a part that is required to discharge the claims, must be turned over by the sheriff to the holders, in the order of their precedence, of the chattel mortgages or other lien claimants of record against the property, and the balance of the proceeds must be turned over to the owner of the property."

- END -

## **MINUTES**

### **MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Keith Regier, on January 14, 2021 at 9:00 AM, in Room 303 Capitol

#### **ROLL CALL**

**Members Present in the Committee Room:**

Sen. Keith Regier, Chair (R)  
Sen. Tom McGillvray, Vice Chair (R)  
Sen. Bryce Bennett (D)  
Sen. Bob Brown (R)  
Sen. John Esp (R)  
Sen. Chris Friedel (R)  
Sen. Jen Gross (D)  
Sen. Steve Hinebaugh (R)  
Sen. Theresa Manzella (R)

**Members Present by Zoom Video Conference:**

Sen. Diane Sands, Vice Chair (D)  
Sen. Susan Webber (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Taylor Tyson, Remote Meeting Coordinator  
Jacelyn Sterling, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 83, 1/6/2021

**HEARING ON SB 83**

**Opening Statement by Sponsor:**

09:01:33 Sen. Brian Hoven (R), SD 13, opened the hearing on SB 83, Revise special lien law.

**Proponents' Testimony:**

09:08:58 Brad Griffin, Montana Equipment Dealers Association  
[EXHIBIT\(jus09a01\)](#)

09:10:24 Tami Christensen, Tri-County Implement Inc.  
[EXHIBIT\(jus09a02\)](#)

09:11:01 Adam Gilbertson, president, Montana Equipment Dealers Association  
[EXHIBIT\(jus09a03\)](#)

09:13:08 Brion Torgerson, Torgerson LLC  
[EXHIBIT\(jus09a04\)](#)

09:15:23 Ronda Wiggers, National Federation of Independent Business

**Additional Written Testimony:**

[EXHIBIT\(jus09a05\)](#)

**Opponents' Testimony:**

09:17:07 Cary Hegreberg, president, Montanan Bankers Association  
[EXHIBIT\(jus09a06\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:19:34 Sen. Friedel  
09:23:19 Sen. Hoven  
09:23:35 Chair Regier  
09:23:59 Sen. Hoven  
09:24:37 Sen. Gross  
09:25:46 Mr. Hegreberg  
09:26:46 Sen. Gross  
09:27:27 Sen. Hoven  
09:28:18 Sen. Hinebauch  
09:30:57 Sen. Hoven

**Closing by Sponsor:**

09:31:56 Sen. Hoven

**Committee Business:**

09:32:33 Chair Regier  
09:32:48 Sen. Sands  
09:33:12 Chair Regier  
09:33:42 Sen. Gross



09:33:58      Chair Regier

**ADJOURNMENT**

Adjournment: 9:34 AM

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Jacelyn Sterling, Secretary

js

Additional Documents:

**EXHIBIT**([jus09aad.pdf](#))

**SENATE JUDICIARY****Exhibit No.** 1**Date:** 1-14-21**Bill No.** SB 83**Sterling, Jacelyn**

**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, January 12, 2021 8:57 AM  
**To:** LEG Applications Email Backup; LEG Committee-Senate Judiciary testimony  
**Subject:** Public Comment for Bill SB-83: Revise special lien law 2021-01-14 09:00 AM - (S)  
Judiciary Successfully Submitted on 01-12-21 08:57

**Details:****Bill:** SB-83: Revise special lien law 2021-01-14 09:00 AM - (S) Judiciary**Position:** Proponent**Representing an Entity/Another Person:** Yes**Organization:** Montana Equipment Dealers Association**Name:** Brad Griffin**Email:** brad.griffin@mtretail.com**Phone:** (406) 855-5939**City, State:** Billings, MT

**Written Statement:** Good morning Mr. Chairman and Members of the Committee, my name is Brad Griffin and I am the Managing Director of the Montana Equipment Dealers Association. We thank Sen. Hoven for carrying this bill for our our dealer members across Montana who strive to provide top notch service to keep their customers in the fields. Currently the dealer has a choice when the repair bill is not paid; he/she can keep the equipment until it is paid or let the customer take the equipment and hope he pays it. This bill allows a non-possessory lien to be placed on the equipment and the customer can resume work in the field. We urge your support of SB83.

**Files:****Testify via Zoom:** Yes**Zoom Method:** Computer

**SENATE JUDICIARY****Exhibit No.** 2**Date:** 1-14-21**Bill No.** SB 83**Sterling, Jacelyn**

**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, January 12, 2021 8:53 AM  
**To:** LEG Applications Email Backup; LEG Committee-Senate Judiciary testimony  
**Subject:** Public Comment for Bill SB-83: Revise special lien law 2021-01-14 09:00 AM - (S)  
Judiciary Successfully Submitted on 01-12-21 08:52

**Details:****Bill:** SB-83: Revise special lien law 2021-01-14 09:00 AM - (S) Judiciary**Position:** Proponent**Representing an Entity/Another Person:** Yes**Organization:** Tri-County Implement Inc**Name:** Tami Christensen**Email:** tricntyadm@midrivers.com**Phone:** (406) 489-0719**City, State:** Sidney MT

**Written Statement:** Good morning Mr. Chairman and committee members. I am testifying in favor of SB-83. As a business owner we have had issues of customers not paying for large repair bills on equipment that they have picked up. This bill gives us the recourse we need to collect our money. This bill helps our customers utilize their equipment and gives us some recourse if we are not paid in a timely manner.

**Files:****Testify via Zoom:** Yes**Zoom Method:** Computer

**SENATE JUDICIARY**

**Exhibit No.** 3

**Date:** 1.14.21

**Bill No.** SB 83

**Sterling, Jacelyn**

**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, January 12, 2021 3:33 PM  
**To:** LEG Applications Email Backup; LEG Committee-Senate Judiciary testimony  
**Subject:** Public Comment for Bill SB-83: Revise special lien law 2021-01-14 09:00 AM - (S)  
Judiciary Successfully Submitted on 01-12-21 15:32

**Details:**

Bill: SB-83: Revise special lien law 2021-01-14 09:00 AM - (S) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Montana Equipment Dealers Association

Name: Adam Gilbertson

Email: agilbertson@rdoequipment.com

Phone: (406) 855-6500

City, State: Laurel, Montana

Written Statement: Mr. Chairman, I am testifying today in favor of SB83 introduced by Senator Hoven as the President of the Montana Equipment Dealers Association.

The current law surrounding how liens attaching to equipment for service repairs leaves the equipment repair company in a difficult position if the machine owner is not able to pay for the repair upon completion. If the repair company releases the equipment to the owner without payment, they lack an effective recourse method. If they chose to maintain possession of the equipment until the repair bill has been paid, then the owner is left without access to their machine until the bill is satisfactorily paid, costing him or her valuable time.

The proposed amendments to SB83 improve the equipment lien process for all involved, owner, equipment repair company, and existing lien claimants, by allowing the machine to be returned to the possession of the owner for use, while still protecting the interests of the repair facility. In doing so, the bill would allow the owner to get back to work while also providing the repair company adequate protections. As such, we are supportive of this bill as presented and recommend its passage.

**Files:**

Testify via Zoom: Yes

Zoom Method: Computer

**SENATE JUDICIARY**

**Exhibit No.** 4

**Date:** 1.14.21

**Bill No.** SB 83

**Sterling, Jacelyn**

**From:** leg-noreply@mt.gov  
**Sent:** Wednesday, January 13, 2021 10:33 AM  
**To:** LEG Applications Email Backup; LEG Committee-Senate Judiciary testimony  
**Subject:** Public Comment for Bill SB-83: Revise special lien law 2021-01-14 09:00 AM - (S)  
Judiciary Successfully Submitted on 01-13-21 10:33

**Details:**

Bill: SB-83: Revise special lien law 2021-01-14 09:00 AM - (S) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Brion Torgerson

Email: brion.torgerson@torgerson.biz

Phone: (406) 899-3423

City, State: Great Falls

Written Statement: SB-83 is pro-business, pro-customer and eliminates a very difficult experience when a customer needs to have his equipment back to keep going in the field. As well, all repairs done in the field, can now be completed as quickly as possible in getting the customer up and running. This bill is good for the customer, good for the dealer, a true win-win. Essentially, a no-brainer.

Files:

Testify via Zoom: Yes

Zoom Method: Computer

**SENATE JUDICIARY**

**Exhibit No.** 5

**Date:** 1.14.21

**Bill No.** SB 83

**Sterling, Jacelyn**

**From:** leg-noreply@mt.gov  
**Sent:** Wednesday, January 13, 2021 1:42 PM  
**To:** LEG Applications Email Backup; LEG Committee-Senate Judiciary testimony  
**Subject:** Public Comment for Bill SB-83: Revise special lien law 2021-01-14 09:00 AM - (S)  
Judiciary Successfully Submitted on 01-13-21 13:41

**Details:**

Bill: SB-83: Revise special lien law 2021-01-14 09:00 AM - (S) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: KYLE KNUTH

Email: knuthk@deerequipment.com

Phone: (406) 230-1480

City, State: CIRCLE

Written Statement: Good afternoon,

My name is Kyle Knuth with C&B Operations and I am for SB-83

Files:

Testify via Zoom: No

Zoom Method: N/A

## **Sterling, Jacelyn**

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**From:** leg-noreply@mt.gov  
**Sent:** Wednesday, January 13, 2021 11:39 AM  
**To:** LEG Applications Email Backup; LEG Committee-Senate Judiciary testimony  
**Subject:** Public Comment for Bill SB-83: Revise special lien law 2021-01-14 09:00 AM - (S)  
Judiciary Successfully Submitted on 01-13-21 11:38

### **Details:**

**Bill:** SB-83: Revise special lien law 2021-01-14 09:00 AM - (S) Judiciary

**Position:** Proponent

**Representing an Entity/Another Person:** No

**Organization:** N/A

**Name:** Jeffrey Fjelstad

**Email:** fjelstadj@deerequipment.com

**Phone:** (406) 633-5032

**City, State:** Billings

**Written Statement:** I am in full support of this bill

**Files:**

**Testify via Zoom:** No

**Zoom Method:** N/A



## **Sterling, Jacelyn**

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**From:** leg-noreply@mt.gov  
**Sent:** Wednesday, January 13, 2021 11:29 AM  
**To:** LEG Applications Email Backup; LEG Committee-Senate Judiciary testimony  
**Subject:** Public Comment for Bill SB-83: Revise special lien law 2021-01-14 09:00 AM - (S)  
Judiciary Successfully Submitted on 01-13-21 11:28

### **Details:**

**Bill:** SB-83: Revise special lien law 2021-01-14 09:00 AM - (S) Judiciary

**Position:** Proponent

**Representing an Entity/Another Person:** Yes

**Organization:** Montana Chamber of Commerce

**Name:** Bridger Mahlum

**Email:** bridger@montanachamber.com

**Phone:** (406) 270-2652

**City, State:** Helena, MT

**Written Statement:** The Montana Chamber of Commerce supports SB 83 and urges a "do pass". This legislation is pro-business and pro-customer because it provides a dealer with more flexibility when releasing equipment to a purchaser, allowing that customer to get back to work faster and raise the money necessary to pay off the asset.

### **Files:**

**Testify via Zoom:** No

**Zoom Method:** N/A

## **Sterling, Jacelyn**

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**From:** leg-noreply@mt.gov  
**Sent:** Wednesday, January 13, 2021 10:15 AM  
**To:** LEG Applications Email Backup; LEG Committee-Senate Judiciary testimony  
**Subject:** Public Comment for Bill SB-83: Revise special lien law 2021-01-14 09:00 AM - (S)  
Judiciary Successfully Submitted on 01-13-21 10:15

### Details:

Bill: SB-83: Revise special lien law 2021-01-14 09:00 AM - (S) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: C&B Operations, LLC, Billings--John Deere Dealer

Name: Tim I Schulz

Email: schulzt@deerequipment.com

Phone: (406) 855-2989

City, State: Joliet, MT

Written Statement: Certainly provides some protection to the dealer if he is convinced to release the equipment or does the work in the country without immediate payment.

Files:

Testify via Zoom: No

Zoom Method: N/A

## **Sterling, Jacelyn**

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**From:** leg-noreply@mt.gov  
**Sent:** Wednesday, January 13, 2021 9:44 AM  
**To:** LEG Applications Email Backup; LEG Committee-Senate Judiciary testimony  
**Subject:** Public Comment for Bill SB-83: Revise special lien law 2021-01-14 09:00 AM - (S)  
Judiciary Successfully Submitted on 01-13-21 09:44

### **Details:**

**Bill:** SB-83: Revise special lien law 2021-01-14 09:00 AM - (S) Judiciary

**Position:** Proponent

**Representing an Entity/Another Person:** No

**Organization:** N/A

**Name:** Jed Bengtson

**Email:** jed.bengtson@torgerson.biz

**Phone:** (406) 460-2140

**City, State:** Gildford, Montana

**Written Statement:** This bill is a must to keep small businesses sustainable today and going forward.

**Files:**

**Testify via Zoom:** No

**Zoom Method:** N/A

**SENATE JUDICIARY**

**Exhibit No.** 6

**Date:** 1-14-21

**Bill No.** SB 83

**Sterling, Jacelyn**

**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, January 12, 2021 11:42 AM  
**To:** LEG Applications Email Backup; LEG Committee-Senate Judiciary testimony  
**Subject:** Public Comment for Bill SB-83: Revise special lien law 2021-01-14 09:00 AM - (S)  
Judiciary Successfully Submitted on 01-12-21 11:42

**Details:**

Bill: SB-83: Revise special lien law 2021-01-14 09:00 AM - (S) Judiciary

Position: Opponent

Representing an Entity/Another Person: Yes

Organization: Montana Bankers Association

Name: Montana Bankers Association

Email: cary@montanabankers.com

Phone: (406) 439-4163

City, State: Helena

Written Statement: The Montana Bankers Association is unclear as to whether this bill jeopardizes the priority of liens by adding another layer. We would like to reserve the right to testify, depending upon further legal review and the sponsor's/proponents testimony. Thank you.

Files:

Testify via Zoom: Yes

Zoom Method: Computer



# **2021 Session**

## **Additional Documents**

**May include the following:**

- **Business Report**
- **Roll Call -Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Any other type of documents such as:**
  - **@ Petitions {if any} Emails, all documents given to Committee Secretary after meeting.**

**The original exhibit/items are on file at the Montana Historical Society and may be viewed there.**

**BUSINESS REPORT**

**MONTANA SENATE**  
**67th LEGISLATURE - REGULAR SESSION**

**SENATE JUDICIARY COMMITTEE**

**Date:** Thursday, January 14, 2021  
**Place:** Capitol

**Time:** 9:00 AM  
**Room:** 303

**BILLS and RESOLUTIONS HEARD:**

SB 83 - Revise special lien law - Sen. Brian Hoven (R)

**EXECUTIVE ACTION TAKEN:** None

**Comments:**

  
\_\_\_\_\_  
SEN. Keith Regier, Chair

**MONTANA STATE SENATE**  
**Roll Call**  
**JUDICIARY COMMITTEE**

DATE: 1-14-2021

| <u>NAME</u>                  | <u>PRESENT</u> | <u>ABSENT/<br/>EXCUSED</u> |
|------------------------------|----------------|----------------------------|
| <b>VICE CHAIR MCGILLVRAY</b> | ✓              |                            |
| <b>VICE CHAIR SANDS</b>      | ✓              |                            |
| <b>SEN. ESP</b>              | ✓              |                            |
| <b>SEN. HINEBAUCH</b>        | ✓              |                            |
| <b>SEN. BENNETT</b>          | ✓              |                            |
| <b>SEN. MANZELLA</b>         | ✓              |                            |
| <b>SEN. WEBBER</b>           | ✓              |                            |
| <b>SEN. BROWN</b>            | ✓              |                            |
| <b>SEN. FRIEDEL</b>          | ✓              |                            |
| <b>SEN. GROSS</b>            | ✓              |                            |
| <b>CHAIRMAN REGIER</b>       | ✓              |                            |
|                              |                |                            |
| <b>11 Committee Members</b>  |                |                            |
|                              |                |                            |

**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE JUDICIARY COMMITTEE**

**Thursday, January 14, 2021**

## SB 83 - Revise special lien law

Sponsor: **Sen. Brian Hoven (R)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**



Senate Judiciary Committee Zoom Testimony Requests      Meeting: 1/14/2021 @ 9:00AM

| <b>Bill</b> | <b>Name</b>      | <b>Position</b> | <b>Location</b> | <b>Email</b>                  | <b>Affiliation</b>                    |
|-------------|------------------|-----------------|-----------------|-------------------------------|---------------------------------------|
| SB - 83     | Tami Christensen | Proponent       | Sidney          | tricityadm@midrivers.com      | Tri-County Implement Inc              |
| SB - 83     | Brad Griffin     | Proponent       | Billings        | brad.griffin@mtretail.com     | Montana Equipment Dealers Association |
| SB - 83     | Adam Gilbertson  | Proponent       | Laurel          | agilbertson@rdoequipment.com  | Montana Equipment Dealers Association |
| SB - 83     | Brion Torgerson  | Proponent       | Great Falls     | brion.torgerson@torgerson.biz | NA                                    |
| SB - 83     | Cary Hegreberg   | Opponent        | Helena          | cary@montanabankers.com       | Montana Bankers Association           |

## **MINUTES**

### **MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Keith Regier, on January 21, 2021 at 9:00 AM, in Room 303 Capitol

#### **ROLL CALL**

**Members Present in the Committee Room:**

Sen. Keith Regier, Chair (R)  
Sen. Tom McGillvray, Vice Chair (R)  
Sen. Bryce Bennett (D)  
Sen. Bob Brown (R)  
Sen. John Esp (R)  
Sen. Chris Friedel (R)  
Sen. Jen Gross (D)  
Sen. Steve Hinebaugh (R)  
Sen. Theresa Manzella (R)

**Members Present by Zoom Video Conference:**

Sen. Diane Sands, Vice Chair (D)  
Sen. Susan Webber (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Taylor Tyson, Remote Meeting Coordinator  
Jacelyn Sterling, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Executive Action: SB 32, Be Tabled; SB 114 Do Pass

09:01:26 Chair Regier

**EXECUTIVE ACTION ON SB 32**

09:02:12 **Motion:** Sen. McGillvray moved that **SB 32 DO PASS**.

**Discussion:**

09:02:16 Chair Regier

09:02:28 Julianne Burkhardt, Legislative Services Division

09:02:30 Chair Regier

09:02:39 Sen. Sands

09:04:17 Chair Regier

09:04:45 **Substitute Motion/Vote:** Sen. Brown made a substitute motion that **SB 32 BE TABLED**. Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no.

**EXECUTIVE ACTION ON SB 83**

09:06:55 **Motion:** Sen. McGillvray moved that **SB 83 DO PASS**.

**Discussion:**

09:06:57 Chair Regier

09:07:08 Without objection, Sen. McGillvray withdrew the DO PASS motion.

09:07:10 Chair Regier

09:07:33 Sen. McGillvray

**EXECUTIVE ACTION ON SB 114**

09:07:49 **Motion:** Sen. McGillvray moved that **SB 114 DO PASS**.

**Discussion:**

09:07:52 Chair Regier

09:08:04 Sen. Friedel

09:08:07 Chair Regier

09:08:11 Julianne Burkhardt, Legislative Services Division (LSD)

09:08:15 Chair Regier

09:08:27 Sen. Gross

09:08:59 **Vote:** Motion carried unanimously by roll call vote.

**Committee Business:**

09:09:35 Chair Regier

09:10:03 Sen. Sands

09:10:56 Chair Regier

09:11:01 Sen. Sands

09:11:03 Chair Regier

**ADJOURNMENT**

Adjournment: 9:11 AM

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Jacelyn Sterling, Secretary

js

Additional Documents:

**EXHIBIT**([jus14aad.pdf](#))



# **2021 Session**

## **Additional Documents**

**May include the following:**

- **Business Report**
- **Roll Call -Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Any other type of documents such as:**
  - **@ Petitions {if any} Emails, all documents given to Committee Secretary after meeting.**

**The original exhibit/items are on file at the Montana Historical Society and may be viewed there.**

**BUSINESS REPORT**

**MONTANA SENATE**  
**67th LEGISLATURE - REGULAR SESSION**

**SENATE JUDICIARY COMMITTEE**

**Date:** Thursday, January 21, 2021  
**Place:** Capitol

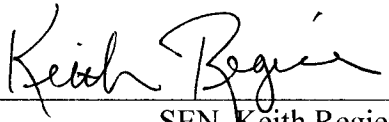
**Time:** 9:00 AM  
**Room:** 303

**BILLS and RESOLUTIONS HEARD:** None

**EXECUTIVE ACTION TAKEN:**

SB 32 Be Tabled  
SB 114 Do Pass

**Comments:**

  
\_\_\_\_\_  
SEN. Keith Regier, Chair

**MONTANA STATE SENATE**  
**Roll Call**  
**JUDICIARY COMMITTEE**

DATE: 1.21.21

| <u>NAME</u>           | <u>PRESENT</u> | <u>ABSENT/<br/>EXCUSED</u> |
|-----------------------|----------------|----------------------------|
| VICE CHAIR MCGILLVRAY | ✓              |                            |
| VICE CHAIR SANDS      | ✓              |                            |
| SEN. ESP              | ✓              |                            |
| SEN. HINEBAUCH        | ✓              |                            |
| SEN. BENNETT          | ✓              |                            |
| SEN. MANZELLA         | ✓              |                            |
| SEN. WEBBER           | ✓              |                            |
| SEN. BROWN            | ✓              |                            |
| SEN. FRIEDEL          | ✓              |                            |
| SEN. GROSS            | ✓              |                            |
| CHAIRMAN REGIER       | ✓              |                            |
|                       |                |                            |
| 11 Committee Members  |                |                            |
|                       |                |                            |



## SENATE STANDING COMMITTEE REPORT

January 21, 2021

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **Senate Bill 114** (first reading copy -- white) **do**  
**pass.**

Signed: \_\_\_\_\_

*Keith Regier*  
Senator Keith Regier, Chair

- END -

**Committee Vote:**

**Yes 11, No 0**

Fiscal Note Required \_\_\_\_

SB0114001SC.slk



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COMMITTEE FILE COPY

## BILL TABLED NOTICE

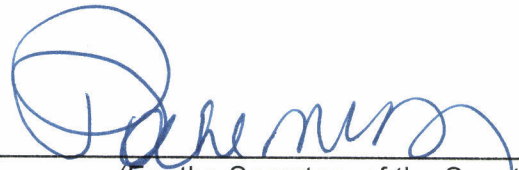
### SENATE JUDICIARY COMMITTEE

The **SENATE JUDICIARY COMMITTEE** TABLED

**SB 32 - Revise monitoring requirements for guardians of adults - Sen. Mary McNally (D)**

by motion, on **Thursday, January 21, 2021** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).

  
\_\_\_\_\_  
(For the Committee)

  
\_\_\_\_\_  
(For the Secretary of the Senate)  
9:25am / 1/21  
(Time) (Date)

January 21, 2021 (9:19am)

Jacelyn Sterling, Secretary

Phone: 444-4751

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 1.21.21 BILL NO SB32 MOTION NO. \_\_\_\_\_

MOTION: ~~Do Pass~~ Be Tabled

| NAME                  | AYE | NO | Proxy |
|-----------------------|-----|----|-------|
| VICE CHAIR MCGILLVRAY | ✓   |    |       |
| VICE CHAIR SANDS      |     | ✓  |       |
| SEN. ESP              | ✓   |    |       |
| SEN. HINEBAUCH        | ✓   |    |       |
| SEN. BENNETT          |     | ✓  |       |
| SEN. MANZELLA         | ✓   |    |       |
| SEN. WEBBER           |     | ✓  |       |
| SEN. BROWN            | ✓   |    |       |
| SEN. FRIEDEL          | ✓   |    |       |
| SEN. GROSS            |     | ✓  |       |
| CHAIRMAN REGIER       | ✓   |    |       |
|                       |     |    |       |
| 11 COMMITTEE MEMBERS  |     |    |       |

7      4

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 1.21.21 BILL NO SB114 MOTION NO. \_\_\_\_\_  
MOTION: Do Pass

| <u>NAME</u>           | <u>AYE</u> | <u>NO</u> | <u>Proxy</u> |
|-----------------------|------------|-----------|--------------|
| VICE CHAIR MCGILLVRAY | ✓          |           |              |
| VICE CHAIR SANDS      | ✓          |           |              |
| SEN. ESP              | ✓          |           |              |
| SEN. HINEBAUCH        | ✓          |           |              |
| SEN. BENNETT          | ✓          |           |              |
| SEN. MANZELLA         | ✓          |           |              |
| SEN. WEBBER           | ✓          |           |              |
| SEN. BROWN            | ✓          |           |              |
| SEN. FRIEDEL          | ✓          |           |              |
| SEN. GROSS            | ✓          |           |              |
| CHAIRMAN REGIER       | ✓          |           |              |
|                       |            |           |              |
| 11 COMMITTEE MEMBERS  |            |           |              |

**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE JUDICIARY COMMITTEE**

**Thursday, January 21, 2021**

## Executive Action

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

## **MINUTES**

### **MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Keith Regier, on February 3, 2021 at 9:00 AM, in Room 303 Capitol

#### **ROLL CALL**

**Members Present in the Committee Room:**

Sen. Keith Regier, Chair (R)  
Sen. Tom McGillvray, Vice Chair (R)  
Sen. Bryce Bennett (D)  
Sen. Bob Brown (R)  
Sen. John Esp (R)  
Sen. Chris Friedel (R)  
Sen. Jen Gross (D)  
Sen. Steve Hinebaugh (R)  
Sen. Theresa Manzella (R)

**Members Present by Zoom Video Conference:**

Sen. Diane Sands, Vice Chair (D)  
Sen. Susan Webber (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Taylor Tyson, Remote Meeting Coordinator  
Jacelyn Sterling, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 168, 1/28/2021; SB 158, 1/29/2021

Executive Action: SB 83 Do Pass as Amended

09:01:51 Chairman Regier gave the duties of the Chair over to Vice Chair McGillvray, and left the meeting.

**HEARING ON SB 168**

**Opening Statement by Sponsor:**

09:01:58 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB168, Revise lien laws.

**Proponents' Testimony:**

09:05:14 Shelly Brander, Kalispell

[EXHIBIT\(jus23a01\)](#)

09:10:23 Mars Scott, Family Law Section, State Bar of Montana

[EXHIBIT\(jus23a02\)](#)

**Opponents' Testimony:** None

**Informational Testimony:**

09:13:20 Kalee English, Montana Secretary of State (SOS)

**Questions from Committee Members and Responses:**

09:13:43 Sen. Brown

09:14:19 Sen. Fitzpatrick

**Closing by Sponsor:**

09:15:35 Sen. Fitzpatrick

**HEARING ON SB 158**

**Opening Statement by Sponsor:**

09:16:27 Sen. Steve Hinebauch (R), SD 18, opened the hearing on SB158, Allow legislators to conceal carry handguns on state property.

09:22:25 Sen. Bennett entered the meeting.

**Proponents' Testimony:**

09:24:37 Kurt Hinebauch, Citizen

**Opponents' Testimony:**

09:26:26 Larry Nielsen, Montana Federation of Public Employees (MFPE)

09:27:07 Sen. Regier entered the meeting.

09:30:51 Jan Strout, president, Montana Chapter, National Organization for Women

[EXHIBIT\(jus23a03\)](#)

**Additional Testimony Received:**

[EXHIBIT\(jus23a04\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:35:36 Sen. Gross  
 09:36:03 Sen. Hinebaugh  
 09:36:35 Sen. Gross  
 09:36:46 Julianne Burkhardt, Legislative Services Division (LSD)  
 09:37:42 Sen. Gross  
 09:39:23 Sen. Hinebaugh  
 09:41:29 Sen. Gross  
 09:41:51 Sen. Webber  
 09:42:19 Sen. Hinebaugh  
 09:43:11 Sen. Manzella  
 09:44:17 Sen. Hinebaugh  
 09:44:42 Sen. Manzella  
 09:45:12 Sen. Hinebaugh  
 09:45:48 Sen. Sands  
 09:46:38 Sen. Hinebaugh  
 09:46:51 Ms. Burkhardt, LSD  
 09:47:34 Sen. Sands  
 09:47:59 Sen. Hinebaugh  
 09:48:58 Sen. Sands  
 09:49:30 Sen. Hinebaugh  
 09:49:44 Sen. Sands  
 09:49:57 Sen. Webber  
 09:51:18 Sen. Hinebaugh  
 09:51:36 Sen. Friedel  
 09:51:53 Sen. Hinebaugh  
 09:52:06 Sen. Gross  
 09:52:58 Sen. Hinebaugh  
 09:53:33 Chair McGillvray  
 09:53:58 Sen. Hinebaugh  
 09:55:05 Sen. Webber  
 09:55:18 Chair McGillvray

**Closing by Sponsor:**

09:55:36 Sen. Hinebaugh  
  
 09:56:17 Sen. Regier resumed the duties of the Chair.  
  
 09:56:37 Recess  
  
 09:57:03 Sen. Gross left the meeting.  
  
 10:01:28 Reconvened

**EXECUTIVE ACTION ON SB 83**

10:01:56 **Motion:** Sen. McGillvray moved that **SB 83 DO PASS.**

**Discussion:**

10:02:04 Chair Regier

10:02:37 **Motion:** Sen. McGillvray moved that **SB 83 BE AMENDED.**  
**EXHIBIT(jus23a05)**

**Discussion:**

10:02:53 Julianne Burkhardt, Legislative Services Division (LSD)

10:04:17 Chair Regier

10:04:28 Ms. Burkhardt, LSD

10:04:55 Brad Griffin, Montana Equipment Dealers

10:05:26 Sen. Esp

10:05:46 Mr. Griffin

10:05:58 Sen. Hinebauch

10:06:14 Ms. Burkhardt

10:06:39 Sen. Friedel

10:07:38 Ms. Burkhardt

10:07:55 Sen. Friedell

10:10:01 Mr. Griffin

10:10:23 Ms. Burkhardt

10:10:48 Sen. Hinebauch

10:11:41 **Vote:** Motion carried unanimously by roll call vote. Sen. Gross voted by proxy.

10:12:12 **Motion:** Sen. McGillvray moved that **SB 83 DO PASS AS AMENDED.**

**Discussion:**

10:12:23 Sen. Hinebauch

10:14:07 **Vote:** Motion carried unanimously by voice vote. Sen. Gross voted by proxy.

**Committee Business:**

10:14:23 Chair Regier

10:14:28 Sen. Sands

10:15:20 Chair Regier

10:15:29 Sen. Sands



**ADJOURNMENT**

Adjournment: 10:15 AM

---

Jacelyn Sterling, Secretary

js

Additional Documents:

**EXHIBIT**([jus23aad.pdf](#))

SENATE JUDICIARY

Exhibit No. 5

Date: 2.3.2021

Bill No. SB 83

Amendments to Senate Bill No. 83  
1st Reading Copy

Requested by Brian Hoven  
For the (S) Judiciary

Prepared by Julianne Burkhardt  
01/25/2021, 03:22:07

1. Title, line 6.

**Strike:** "WHEELED OFF-ROAD VEHICLES"

**Insert:** "FORESTRY EQUIPMENT"

1. Page 2, line 12.

**Following:** "lien."

**Insert:** "The person desiring to assert a special lien upon the property must also file a financing statement in the office designated for filing as provided in 30-9A-501."

2. Page 2, line 17.

**Strike:** line 17 in its entirety

**Renumber:** subsequent subsections

3. Page 2, line 17.

**Following:** "equipment"

**Insert:** "; and

(iv) forestry equipment "

**Following:** line 17

**Insert:** "(d) The special lien created under subsection (2)(c) may not take precedence over perfected security interests under the Uniform Commercial Code--Secured Transactions or other recorded liens on the property involved unless, within 30 days from the time of the completion of the service, repair, or improvement of the property, the person desiring to assert a special lien upon the property gives notice in writing to the secured party or other lienholder stating the intention to assert a special lien on the property under the terms of subsection (2)(c) and stating the nature and approximate amount of the work performed or other services furnished and the cost of any parts, accessories, or equipment installed. Service may be made either by personal service or by mailing by registered or certified mail a copy of the notice to the secured party or other lienholder at the last-known post-office address. Service must be considered complete upon the deposit of the notice in the post office."

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.

SENATE BILL NO. 83

INTRODUCED BY B. HOVEN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SPECIAL LIEN LAWS; ALLOWING A  
NONPOSSESSORY SPECIAL LIEN ON IMPLEMENTS OF HUSBANDRY, CONSTRUCTION EQUIPMENT,  
~~WHEELED OFF-ROAD VEHICLES~~FORESTRY EQUIPMENT, AND MOTORIZED LAWN CARE AND  
LANDSCAPING EQUIPMENT; PROVIDING FOR ENFORCEMENT OF NONPOSSESSORY SPECIAL LIENS;  
AND AMENDING SECTIONS 71-3-1201 AND 71-3-1203, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 71-3-1201, MCA, is amended to read:

**"71-3-1201. Liens for service -- towing and storage lien -- extension of lien to certain personal property contained in motor vehicle that is subject to lien -- nonpossessory special liens.** (1) If there is an express or implied contract for collecting, processing, packaging, or storing embryos or semen from livestock, a reproductive technology business to whom embryos or semen is entrusted and who still has possession has a lien upon the embryos or semen for the amount due for collecting, processing, packaging, or storing the embryos or semen and may retain possession of the embryos or semen until the sum due is paid.

(2) (a) A person who, while lawfully in possession of an article of personal property, renders any service to the owner or lawful claimant of the article by labor or skill employed for the making, repairing, protection, improvement, safekeeping, carriage, towing, or storage of the article or tows or stores the article as directed under authority of law has a special lien on the article. The Except as provided in subsection (2)(c), the lien is dependent on possession and is for the compensation, if any, that is due to the person from the owner or lawful claimant for the service and for material, if any, furnished in connection with the service. If the service is towing or storage, the lien is for the reasonable cost of the towing or storage.

(b) Any personal property that is in a motor vehicle that is subject to a lien as provided in subsection (2)(a) is also subject to the lien, except for the following:

(i) food items;

(ii) perishable goods;  
(iii) prescription items;  
(iv) operators' licenses and other identifying documents;  
(v) cash, credit cards, debit cards, checks, or checkbooks;  
(vi) personal records, legal records, and business records;  
(vii) child safety items; and  
(viii) wallets, purses, bags, or other containers that contain the items listed in subsections (2)(b)(iv) through (2)(b)(vi).

(c) A special lien is not dependent on possession if the person asserting the lien gives the owner or the owner's agent, or attaches to the article, a document identifying the article and its owner, the services performed, the cost of those services, the cost to the owner of any parts, accessories, or equipment installed, and the signature and contact information of the person asserting the nonpossessory special lien. The person desiring to assert a special lien upon the property must also file a financing statement in the office designated for filing as provided in 30-9A-501. A nonpossessory special lien may be asserted on:

(i) implements of husbandry as defined in 61-1-101;

(ii) construction equipment as defined in 61-10-102;

~~(iii) wheeled off-road vehicles of every kind; and~~

~~(iv)(iii) motorized lawncare and landscaping equipment; and~~

~~(iv) forestry equipment.~~

~~(d) The special lien created under subsection (2)(c) may not take precedence over perfected security interests under the Uniform Commercial Code--Secured Transactions or other recorded liens on the property involved unless, within 30 days from the time of the completion of the service, repair, or improvement of the property, the person desiring to assert a special lien upon the property gives notice in writing to the secured party or other lienholder stating the intention to assert a special lien on the property under the terms of subsection (2)(c) and stating the nature and approximate amount of the work performed or other services furnished and the cost of any parts, accessories, or equipment installed. Service may be made either by personal service or by mailing by registered or certified mail a copy of the notice to the secured party or other lienholder at the last-known post-office address. Service must be considered complete upon the deposit of the~~



1 notice in the post office. "

2

3 **Section 2.** Section 71-3-1203, MCA, is amended to read:

4 **"71-3-1203. Enforcement of lien -- sale.** If payment for work, labor, or services performed or feed or  
5 material furnished is not made within 30 days after the performance of the work, labor, or services or furnishing  
6 of the feed or material, the lienor under the provisions of this part may enforce the lien in the following manner:

7 (1) The lienor may file a lien enforcement action in the district court of the county in which the:

8 (a) contract between the lienor and the owner of the property was entered into;

9 (b) owner resided at the time the lien enforcement action commenced; or

10 (c) property is located.

11 (2) When a claim is made under this section for a lien other than a nonpossessory special lien, an  
12 affidavit must be made by the lienor claiming the property or by someone on the lienor's behalf, stating:

13 (a) the facts that the lienor performed a service for the property owner entitling the lienor to a lien on  
14 the owner's property pursuant to 71-3-1201;

15 (b) that the service described in subsection (2)(a) was performed at the written or verbal request of  
16 the owner or owner's agent;

17 (c) a particular property upon which the lien is claimed; and

18 (d) an itemized list of the charges that are due and unpaid under the lien.

19 (3) When a claim is made under this section for a nonpossessory special lien, the lienor shall submit  
20 to the court:

21 (a) a copy of the document required by 71-3-1201(2)(c); and

22 (b) a statement of the charges that are due and unpaid under the lien.

23 ~~(3)(4)~~ (a) If satisfactory, the court shall order the owner of the property to show cause why the  
24 property should not be sold pursuant to the procedures in this section. The order must include the date and  
25 time for a hearing. The hearing may not be held more than 20 working days after the date of the issuance of the  
26 order.

27 (b) The court order provided for in subsection ~~(3)(a)~~ (4)(a) must be served pursuant to the Montana  
28 Rules of Civil Procedure on the owner at least 5 days before the hearing date.

## SB 83.1.1

14 - END -



## **2021 Session**

### **Additional Documents**

**May include the following:**

- **Business Report**
- **Roll Call -Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Visitor Register**
- **Any other type of documents such as:**
  - Petitions, Pamphlets, Leaflets, Brochures, Emails, all documents given to Committee Secretary 24 hours after the meeting adjourned.**

**The original exhibit/items are on file at the Montana Historical Society and may be viewed there.**

**BUSINESS REPORT**  
**MONTANA SENATE**  
**67th LEGISLATURE - REGULAR SESSION**  
**SENATE JUDICIARY COMMITTEE**

**Date:** Wednesday, February 3, 2021  
**Place:** Capitol

**Time:** 9:00 AM  
**Room:** 303

**BILLS and RESOLUTIONS HEARD:**

SB 158 - Allow legislators to conceal carry handguns on state property - Sen. Steve Hinebaugh (R)  
SB 168 - Revise lien laws - Sen. Steve Fitzpatrick (R)

**EXECUTIVE ACTION TAKEN:**

SB 83 Do Pass as Amended

**Comments:**

A handwritten signature in blue ink, reading "Keith Regier", is written over a horizontal line.

SEN. Keith Regier, Chair



MONTANA STATE SENATE  
**Roll Call**  
JUDICIARY COMMITTEE

DATE: 2.3.2021

| <u>NAME</u>           | <u>PRESENT</u> | <u>ABSENT/<br/>EXCUSED</u> |
|-----------------------|----------------|----------------------------|
| VICE CHAIR MCGILLVRAY | ✓              |                            |
| VICE CHAIR SANDS      | ✓              |                            |
| SEN. ESP              | ✓              | NA                         |
| SEN. HINEBAUCH        | ✓              |                            |
| SEN. BENNETT          |                | ✓                          |
| SEN. MANZELLA         | ✓              |                            |
| SEN. WEBBER           | ✓              |                            |
| SEN. BROWN            | ✓              |                            |
| SEN. FRIEDEL          | ✓              |                            |
| SEN. GROSS            | ✓              |                            |
| CHAIRMAN REGIER       | ✓              |                            |
|                       |                |                            |
| 11 Committee Members  |                |                            |
|                       |                |                            |



## SENATE STANDING COMMITTEE REPORT

February 3, 2021

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** report that **Senate Bill 83** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Keith Regier*  
Senator Keith Regier, Chair

### And, that such amendments read:

1. Title, line 6.

Strike: "WHEELED OFF-ROAD VEHICLES"

Insert: "FORESTRY EQUIPMENT"

1. Page 2, line 12.

Following: "lien."

Insert: "The person desiring to assert a special lien upon the property must also file a financing statement in the office designated for filing as provided in 30-9A-501."

2. Page 2, line 17.

Strike: line 17 in its entirety

Renumber: subsequent subsections

3. Page 2, line 17.

Following: "equipment"

Insert: "; and

(iv) forestry equipment "

Following: line 17

Insert: "(d) The special lien created under subsection (2)(c) may not take precedence over perfected security interests under the Uniform Commercial Code--Secured Transactions or other recorded liens on the property involved unless, within 30 days from the time of the completion of the service, repair, or improvement of the property, the person desiring to assert a special lien upon the property gives notice in writing to the secured party or other lienholder stating the intention to assert a special lien on the property under the terms of subsection (2)(c) and stating the nature and approximate amount of the work performed or other services furnished and the cost of any parts, accessories, or equipment installed. Service may be made either by personal service or by mailing by registered or certified mail a copy of the notice to the secured party or other lienholder at the last-known

### Committee Vote:

**Yes 11, No 0**

Fiscal Note Required ☐

SB0083001SC.slk

**February 3, 2021**

**Page 2 of 2**

post-office address. Service must be considered complete upon the deposit of the notice in the post office."

- END -

**SB0083001SC.slk**

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2.3.2021 BILL NO SB83 MOTION NO. \_\_\_\_\_  
MOTION: Amendment 83.1.1

| <u>NAME</u>           | AYE | NO | Proxy |
|-----------------------|-----|----|-------|
| VICE CHAIR MCGILLVRAY | ✓   |    |       |
| VICE CHAIR SANDS      | ✓   |    |       |
| SEN. ESP              | ✓   |    |       |
| SEN. HINEBAUCH        | ✓   |    |       |
| SEN. BENNETT          | ✓   |    |       |
| SEN. MANZELLA         | ✓   |    |       |
| SEN. WEBBER           | ✓   |    |       |
| SEN. BROWN            | ✓   |    |       |
| SEN. FRIEDEL          | ✓   |    |       |
| SEN. GROSS            | ✓   |    | ✓     |
| CHAIRMAN REGIER       | ✓   |    |       |
|                       |     |    |       |
| 11 COMMITTEE MEMBERS  |     |    |       |

# SENATE PROXY

I, Senator John C. Koss, hereby authorize Senator

Bryce Bennett to vote my proxy before the Senate

Judiciary meeting held on February 3, 2021.

Senator Signature

Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

**SENATE JUDICIARY COMMITTEE**

**Sponsor: Sen. Steve Fitzpatrick (R)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**



**SENATE JUDICIARY COMMITTEE**

Sponsor: **Sen. Steve Hinebaugh (R)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

| Senate Judiciary Zoom Testimony Request      Meeting: 02/03/2021 @ 9:00 AM |                |           |           |                              |                                 |
|----------------------------------------------------------------------------|----------------|-----------|-----------|------------------------------|---------------------------------|
| Bill                                                                       | Name           | Position  | Location  | Email                        | Affiliation                     |
| SB 158                                                                     | Jan Strout     | Opponent  | Bozeman   | janchangethatworks@yahoo.com | National Organization for Women |
| SB 168                                                                     | Shelly Brander | Proponent | Kalispell | Sfb@kvhlaw.com               | NA                              |
| SB 168                                                                     | P. Mars Scott  | Proponent | Missoula  | pmarsscott@pmarsscott.com    | Family Law Section, State Bar   |



## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Barry Usher, on March 24, 2021 at 8:00 AM, in Room 137 Capitol

#### ROLL CALL

**Members Present:**

Rep. Barry Usher, Chair (R)  
Rep. Kathy Kelker, Vice Chair (D)  
Rep. Amy Regier, Vice Chair (R)  
Rep. Laurie Bishop (D)  
Rep. Jennifer Carlson (R)  
Rep. Robert Farris-Olsen (D)  
Rep. Frank Fleming (R)  
Rep. Tom France (D)  
Rep. Donavon Hawk (D)  
Rep. Jedediah Hinkle (R)  
Rep. Brandon Ler (R)  
Rep. Bob Phalen (R)  
Rep. Ed Stafman (D)  
Rep. Mallerie Stromswold (R)  
Rep. Danny Tenenbaum (D)

**Members Excused:**

Rep. Seth Berglee (R)  
Rep. Jane Gillette (R)  
Rep. Dennis R. Lenz (R)  
Rep. Derek Skees (R)

**Members Absent:** None

**Staff Present:**

Lydia Balian, Committee Secretary  
Rachel Weiss, Legislative Branch  
Hallie Swain, Remote Meeting Coordinator

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 83, 3/22/2021; SB 219, 3/22/2021; HB 656, 3/22/2021; SB 370, 3/22/2021

**HEARING ON SB 83**

**Opening Statement by Sponsor:**

08:03:49 Sen. Brian Hoven (R), SD 13, opened the hearing on SB 83, Revise special lien law.

08:04:21 Rep. Berglee and Rep. Skees joined the meeting.

**Proponents' Testimony:**

08:10:34 Adam Gilbertson, Montana Equipment Dealers Association (MEDA)

08:12:18 Brad Griffen, Montana Equipment Dealers Association (MEDA)

08:14:03 Tom Zimmer, Tri State Truck and Equipment

08:14:58 Rep. Gillette joined the meeting.

08:15:59 Tami Christiansen, self

**Opponents' Testimony:**

08:17:11 Jay Bodner, Montana Stock Growers Association (MSGA)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:18:45 Vice Chair Kelker

08:20:44 Brad Griffen, MEDA

08:21:00 Adam Gilbertson, MEDA

08:22:32 Rep. Carlson

08:24:45 Sen. Hoven

08:25:21 Rep. Stafman

08:26:43 Sen. Hoven

08:27:23 Rep. J. Hinkle

08:28:17 Sen. Hoven

**Closing by Sponsor:**

08:29:49 Sen. Hoven

**HEARING ON SB 219**

**Opening Statement by Sponsor:**

08:30:43 Sen. David Howard (R), SD 29, opened the hearing on SB 219, Providing for release of call location to law enforcement in an emergency.

[EXHIBIT\(juh58a01\)](#)

**Proponents' Testimony:**

08:34:46 Dan Smith, Montana Police Protective Association (MPPA)

08:35:51 Nanette Gilberston, Montana Sheriffs and Peace Officers Association (MSPOA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:37:02 Chair Usher  
08:37:14 Rachel Weiss, Legislative Services Division (LSD)

**Closing by Sponsor:**

08:37:27 Sen. Howard

**HEARING ON HB 656**

**Opening Statement by Sponsor:**

08:38:45 Rep. Joe Read (R), HD 93, opened the hearing on HB 656, Providing appropriations related to law enforcement within Flathead Reservation.

[\*\*EXHIBIT\(juh58a02\)\*\*](#)

08:43:36 Chair Usher left the meeting.  
08:43:40 Vice Chair Regier assumed the chair.

**Proponents' Testimony:**

08:45:39 Sen. Hertz

[\*\*EXHIBIT\(juh58a03\)\*\*](#)

08:50:22 Chair Usher rejoined the meeting.  
08:50:37 Commissioner Gail Decker, Lake County District 3  
08:54:25 Commissioner William Barron, Lake County District 1

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:01:02 Rep. Fleming  
09:02:37 Rep. Read  
09:03:49 Vice Chair Kelker  
09:05:16 Commissioner Gail Decker, Lake County District 3  
09:06:23 Vice Chair Kelker  
09:08:19 Sen. Hertz

[\*\*EXHIBIT\(juh58a04\)\*\*](#)

09:09:23 Rep. Hawk  
09:10:01 Rep. Read  
09:10:19 Rep. Berglee  
09:11:17 Commissioner Gail Decker, Lake County District 3  
09:11:30 Rep. Hawk  
09:12:03 Rep. Read  
09:12:19 Chair Usher  
09:14:40 Sen. Hertz

**Closing by Sponsor:**

09:15:28 Rep. Read

09:19:07 Brief Recess

09:30:08 Reconvened

### **HEARING ON SB 370**

#### **Opening Statement by Sponsor:**

09:30:25 Sen. Jason Ellsworth (R), SD 43, opened the hearing on SB 370, Protecting constitutional rights during an emergency.

**Proponents' Testimony:** None

#### **Opponents' Testimony:**

09:35:03 Kelly Lynch, Montana League of Cities and Towns (MLCT)

**Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

09:37:41 Vice Chair Kelker  
09:39:53 Kelly Lynch, MLCT  
09:40:19 Rep. Ler  
09:40:55 Kelly Lynch, MLCT  
09:41:18 Rep. J. Hinkle  
09:42:53 Kelly Lynch, MLCT  
09:44:13 Rep. J. Hinkle  
09:47:01 Sen. Ellsworth  
09:48:31 Chair Usher  
09:48:40 Rep. Bishop  
09:52:48 Kelly Lynch, MLCT  
09:53:03 Rep. Stafman  
09:55:11 Kelly Lynch, MLCT  
09:55:21 Rep. Skees  
09:56:49 Kelly Lynch, MLCT  
09:57:07 Rep. Skees  
09:57:46 Sen. Ellsworth  
10:00:35 Rep. France  
10:01:34 Sen. Ellsworth  
10:03:06 Chair Usher  
10:03:47 Sen. Ellsworth

#### **Closing by Sponsor:**

10:05:01 Sen. Ellsworth

**ADJOURNMENT**

Adjournment: 10:06:33

---

Lydia Balian, Secretary

lb

Additional Documents:

**EXHIBIT**([juh58aad.pdf](#))



# **2021 Session**

## **Additional Documents**

**May include the following:**

- **Business Report**
- **Roll Call -Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Visitor Register**
- **Any other type of documents such as:**
  - Petitions, Pamphlets, Leaflets, Brochures, Emails, all documents given to Committee Secretary 24 hours after the meeting adjourned.**

**The original exhibit/items are on file at the Montana Historical Society and may be viewed there.**

Montana Historical Society Archives, 225 N. Roberts, Helena, MT 59620-1201

Phone (406) 444-4774.

E-Document Specialist: Susie Hamilton [SHamilton@mt.gov](mailto:SHamilton@mt.gov)

## **BUSINESS REPORT**

### **MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION**

#### **HOUSE JUDICIARY COMMITTEE**

**Date:** Wednesday, March 24, 2021

**Place:** Capitol

**Time:** 8:00 AM

**Room:** 137

#### **BILLS and RESOLUTIONS HEARD:**

HB 656 - Providing appropriations related to law enforcement within Flathead Reservation -  
Rep. Joe Read (R)

SB 83 - Revise special lien law - Sen. Brian Hoven (R)

SB 219 - Providing for release of call location to law enforcement in an emergency - Sen. David  
Howard (R)

SB 370 - Protecting constitutional rights during an emergency - Sen. Jason Ellsworth (R)

#### **EXECUTIVE ACTION TAKEN:**

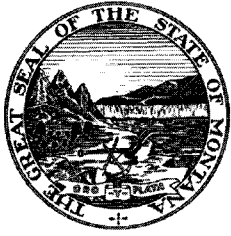
None

#### **Comments:**



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REP. Barry Usher, Chair



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

#### ROLL CALL

DATE: 3 / 24 / 21

| NAME                        | PRESENT | ABSENT/EXCUSED |
|-----------------------------|---------|----------------|
| REP. USHER, CHAIR           | ✓       |                |
| REP. AMY REGIER, VICE CHAIR | ✓       |                |
| REP. KELKER, VICE CHAIR     | ✓       |                |
| REP. BERGLEE                |         | ✓              |
| REP. BISHOP                 | ✓       |                |
| REP. CARLSON                | ✓       |                |
| REP. FARRIS-OLSEN           | ✓       |                |
| REP. FLEMING                | ✓       |                |
| REP. FRANCE                 | ✓       |                |
| REP. GILLETTE               |         | ✓              |
| REP. HAWK                   | ✓       |                |
| REP. JEDEDIAH HINKLE        | ✓       |                |
| REP. LENZ                   |         | ✓              |
| REP. LER                    | ✓       |                |
| REP. PHALEN                 | ✓       |                |
| REP. SKEES                  |         | ✓              |
| REP. STAFMAN                | ✓       |                |
| REP. STROMSWOLD             | ✓       |                |
| REP. TENENBAUM              | ✓       |                |

19 MEMBERS



# WITNESS STATEMENT

## LEG Committee-House Judiciary testimony

---

**From:** leg-noreply@mt.gov  
**Sent:** Monday, March 22, 2021 4:03 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill SB-83: Revise special lien law 2021-03-24 08:00 AM - (H)  
Judiciary Successfully Submitted on 03-22-21 16:03

### Details:

Bill: SB-83: Revise special lien law 2021-03-24 08:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Bill Funk

Email: billfunk1@hotmail.com

Phone: (406) 323-2605

City, State: Roundup, MT

Written Statement: Because farmers and ranchers only get paid when they deliver their crops of cattle, this gives them the ability to use their equipment when they need to and wait for their income to come in. This bill also gives the repair facility more assurance that the bill will get paid.

### Files:

Testify via Zoom: No

Zoom Method: N/A

# WITNESS STATEMENT

## LEG Committee-House Judiciary testimony

---

**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, March 23, 2021 9:29 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill SB-83: Revise special lien law 2021-03-24 08:00 AM - (H)  
Judiciary Successfully Submitted on 03-23-21 09:28

### Details:

Bill: SB-83: Revise special lien law 2021-03-24 08:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Brion Torgerson

Email: brion.torgerson@torgerson.biz

Phone: (406) 899-3423

City, State: Great Falls

Written Statement: I am in support of SB83. This is a definite win-win for both customer and business. This bill creates positive and good business relationships as it allows the customer to have equipment back asap in getting back in the field to complete seeding, spraying, harvest, baling, feeding, etc. Rather than hold on to equipment until payment is made, equipment now can be back into the customers hands immediately.

### Files:

Testify via Zoom: No

Zoom Method: N/A

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Wednesday, March 24, 2021**

## HB 656 - Providing appropriations related to law enforcement within Flathead Reservation

**Sponsor: Rep. Joe Read (R)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Wednesday, March 24, 2021**

## SB 370 - Protecting constitutional rights during an emergency

**Sponsor: Sen. Jason Ellsworth (R)**

**PLEASE PRINT**[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Wednesday, March 24, 2021**

**SB 219 - Providing for release of call location to law enforcement in an emergency**

**Sponsor: Sen. David Howard (R)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Wednesday, March 24, 2021**  
**SB 83 - Revise special lien law**  
**Sponsor: Sen. Brian Hoven (R)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

### House Judiciary Zoom Testimony 03.24.2021

| Bill  | Name             | Location          | Email                    | Position  | Affiliation |
|-------|------------------|-------------------|--------------------------|-----------|-------------|
| SB-83 | Proponents       |                   |                          |           |             |
| SB-83 | Tami Christensen | Sidney, Montana   | tricityadm@midrivers.com | Proponent |             |
| SB-83 | Thomas Zimmer    | Billings, Montana | tomz@tste.com            | Proponent |             |

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Barry Usher, on March 26, 2021 at 8:00 AM, in Room 137 Capitol

#### ROLL CALL

**Members Present:**

Rep. Kathy Kelker, Vice Chair (D)  
Rep. Amy Regier, Vice Chair (R)  
Rep. Seth Berglee (R)  
Rep. Laurie Bishop (D)  
Rep. Jennifer Carlson (R)  
Rep. Robert Farris-Olsen (D)  
Rep. Tom France (D)  
Rep. Donavon Hawk (D)  
Rep. Jedediah Hinkle (R)  
Rep. Dennis R. Lenz (R)  
Rep. Bob Phalen (R)  
Rep. Derek Skees (R)  
Rep. Ed Stafman (D)  
Rep. Danny Tenenbaum (D)

**Members Excused:**

Rep. Barry Usher, Chair (R)  
Rep. Frank Fleming (R)  
Rep. Jane Gillette (R)  
Rep. Brandon Ler (R)  
Rep. Mallerie Stromswold (R)

**Members Absent:** None

**Staff Present:**

Joanne Kauzlarich, Committee Secretary  
Rachel Weiss, Legislative Branch  
Hallie Swain, Remote Meeting Coordinator

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 280, 3/23/2021; SB 283, 3/23/2021; SB 315, 3/23/2021;  
SB 344, 3/23/2021  
Executive Action: SB 83; SB 338; SB 354; SB 370



8:01:00 Vice Chair Regier assumed the Chair.

**HEARING ON SB 344**

**Opening Statement by Sponsor:**

08:02:24 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 344, Allow for adult inmates at Pine Hills Youth Correctional Facility.

08:04:30 Rep. Stromswold joined the meeting.

**Proponents' Testimony:**

08:05:21 Cynthia Wolken, Department of Corrections (DOC)

08:06:49 Steve Ray, Pine Hills Correctional Facility

08:07:33 Rep. Skees left the meeting.

**Opponents' Testimony:**

08:08:06 Sam Forstag, American Civil Liberties Union (ACLU)

08:10:18 Beth Brennemen, Disability Rights Montana (DRM)

08:10:47 Rep. Ler joined the meeting.

08:15:29 SJ Howell, Montana Women Vote (MWV)

08:16:38 Laurie Little Dog, self

08:18:54 Shawn Reagor, Montana Human Rights Network (MHRN); Montana Coalition Against Domestic & Sexual Violence (MCADSV)

**Proponents:**

08:19:50 Larry Nielsen, Montana Federation of Public Employees (MFPE)

**Informational Testimony:**

08:20:31 Colleen Ambrose, Department of Corrections (DOC)

**Questions from Committee Members and Responses:**

08:20:56 Vice Chair Kelker

08:21:44 Colleen Ambrose, DOC

08:22:01 Cynthia Wolken, DOC

08:22:27 Vice Chair Kelker

08:23:13 Cynthia Wolken, DOC

08:24:00 Vice Chair Kelker

08:24:30 Cynthia Wolken, DOC

08:24:39 Rep. Tenenbaum

08:25:14 Cynthia Wolken, DOC

08:26:48 Rep. Tenenbaum

08:27:35 Cynthia Wolken, DOC

08:28:26 Rep. Phalen

08:30:05 Cynthia Wolken, DOC

08:30:25 Rep. Berglee

08:31:00 Cynthia Wolken, DOC

08:31:55 Rep. Carlson

08:32:41 Beth Brennemen, DRM

08:33:02 Rep. Carlson  
08:33:38 Sam Forstag, ACLU

**Closing by Sponsor:**

08:33:58 Sen. Bogner

**HEARING ON SB 280****Opening Statement by Sponsor:**

08:35:16 Sen. Carl Glimm (R), SD 2, opened the hearing on SB 280, Revise vital statistics laws regarding sex designation on birth certificate.

**Proponents' Testimony:**

08:38:27 Jeff Laszloffy, Montana Family Foundation (MFF)  
08:42:10 Rep. Skees joined the meeting.  
08:43:12 Donna Elford, self  
08:45:48 Michael Wells, self

**Opponents' Testimony:**

08:46:42 Laurel Hesse, American Civil Liberties Union (ACLU)  
08:48:38 Rep. Lenz left the meeting.  
08:49:54 Adrian Jawort, Montana Native Voice (MNV)  
08:54:06 Rachel Schmidt, Associated Students of Montana State University (ASMSU)  
08:54:25 Jack Rinck, Associated Students of University of Montana (ASUM)  
08:54:49 Shawn Reagor, Montana Human Rights Network (MHRN)  
08:57:45 Kelli Twoteeth, self  
08:59:54 Allison Reinhardt, Montana Associated Students (MAS)  
09:00:22 Dr. Kathryn Lowe, Montana Chapter of American Academy of Pediatrics (MTAAP)  
09:03:33 Zuri Moreno, Indigenous Organizers Collective  
09:06:33 SJ Howell, Montana Women Vote (MWV)  
09:09:59 Anna Peterson, self  
09:12:44 Izzy Milch, Forward Montana  
09:14:10 Sydney Barry, Montana Coalition Against Domestic & Sexual Violence (MCADSV)  
09:14:43 Dr. Lauren Wilson, Montana Chapter of American Academy of Pediatrics (MTAAP)

**Informational Testimony:** None**Questions from Committee Members and Responses:**

09:17:07 Rep. Hawk  
09:17:37 Shawn Reagor, MHRN  
09:19:37 Rep. J. Hinkle  
09:21:44 Izzy Milch, Forward Montana  
09:21:54 Rep. J. Hinkle  
09:22:16 Izzy Milch, Forward Montana  
09:22:53 Vice Chair Kelker  
09:23:45 Laurel Hesse, ACLU

09:24:25 Rep. Skees  
09:25:25 Dr. Lauren Wilson, MTAAP  
09:26:29 Rep. Skees  
09:26:52 Dr. Lauren Wilson, MTAAP  
09:27:54 Rep. Skees  
09:34:04 Laurel Hesse, ACLU  
09:34:56 Rep. Phalen  
09:37:34 Laurel Hesse, ACLU  
09:38:07 Rep. Carlson  
09:38:30 Dr. Lauren Wilson, MTAAP  
09:38:11 Rep. Carlson  
09:38:32 Dr. Lauren Wilson, MTAAP  
09:38:49 Rep. Carlson  
09:39:00 Dr. Kathryn Lowe, MTAAP  
09:39:13 Rep. Carlson  
09:39:21 Dr. Kathryn Lowe, MTAAP  
09:39:27 Chair Regier  
09:39:38 Rep. Bishop  
09:39:58 Shawn Reagor, MHRN  
09:41:09 Rep. Bishop  
09:42:17 Laurel Hesse, ACLU  
09:43:03 Rep. Stafman  
09:44:12 Dr. Lauren Wilson, MTAAP  
09:45:27 Rep. Stafman  
09:45:46 Dr. Lauren Wilson, MTAAP  
09:46:08 Rep. J. Hinkle  
09:48:32 Laurel Hesse, ACLU  
09:49:06 Rep. J. Hinkle  
09:50:18 Sen. Glimm  
09:51:37 Rep. Berglee  
09:52:00 Shawn Reagor, MHRN  
09:52:06 Rep. Berglee  
09:52:16 Shawn Reagor, MHRN  
09:52:22 Rep. Skees  
09:53:12 Jeff Laszloffy, MFF  
09:53:18 Rep. Berglee assumed the Chair.  
09:54:23 Rep. Skees  
09:55:19 Jeff Laszloffy, MFF  
09:57:09 Vice Chair Kelker  
09:57:32 Rep. Ler  
09:57:41 Vice Chair Kelker  
09:58:20 Chair Berglee  
09:58:31 Dr. Lauren Wilson, MTAAP

**Closing by Sponsor:**

09:59:47 Sen. Glimm  
  
10:00:08 Chair A. Regier assumed the Chair.

**HEARING ON SB 283****Opening Statement by Sponsor:**

10:01:23 Sen. Carl Glimm (R), SD 2, opened the hearing on SB 283, Generally revise laws regarding firearms on school grounds.

**Proponents' Testimony:**

10:07:42 Michael Wells, self

10:08:24 Debra Silk, Montana School Board Association (MTSBA)

**Opponents' Testimony:** None**Informational Testimony:** None**Questions from Committee Members and Responses:**

10:09:28 Rep. Kelker

10:10:15 Debra Silk, MTSBA

10:11:29 Rep. Tenenbaum

10:11:59 Debra Silk, MTSBA

**Closing by Sponsor:**

10:12:36 Sen. Glimm

**HEARING ON SB 315****Opening Statement by Sponsor:**

10:13:43 Sen. David Howard (R), SD 29, opened the hearing on SB 315, Adopt the Born-Alive Infant Protection Act.

**Proponents' Testimony:**

10:14:48 Matt Brower, Montana Catholic Conference

10:16:42 Jeff Laszloffy, Montana Family Foundation (MFF)

10:20:08 Glenn Oppel, Governor's Office (GOV)

10:22:59 Jacob Corcoran, self

10:24:47 Donna Elford, self

**EXHIBIT(juh60a01)**

10:26:23 Rep. Stromswold left the meeting.

10:26:47 Michael Wells, self

10:27:53 Dennison Rivera, Lewis and Clark County Young Republicans (LCCYRMT)

10:31:17 Kaitlyn Ruch, Students for Life

10:35:08 Ruth Rater, self

10:35:32 Cindy Hoy self

10:36:37 Joanne Friesen, self

10:39:36 Darin Gaub, self

**Opponents' Testimony:**

10:42:34 Caelen McQuilkin, self

10:44:53 Iko'tsimiskimaki Beck, self

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

|          |                        |
|----------|------------------------|
| 10:45:45 | Rep. J. Hinkle         |
| 10:46:20 | Caelen McQuilkin, self |
| 10:47:13 | Rep. J. Hinkle         |
| 10:47:19 | Caelen McQuilkin, self |
| 10:48:04 | Rep. J. Hinkle         |
| 10:48:21 | Rep. Phalen            |
| 10:48:33 | Caelen McQuilkin, self |
| 10:48:58 | Rep. Skees             |
| 10:49:34 | Caelen McQuilkin, self |
| 10:50:05 | Rep. Skees             |
| 10:50:40 | Caelen McQuilkin, self |
| 10:51:33 | Rep. Skees             |
| 10:52:08 | Caelen McQuilkin, self |
| 10:52:52 | Rep. Skees             |
| 10:54:03 | Rep. Phalen            |
| 10:54:36 | Sen. Howard            |
| 10:54:53 | Rep. Skees             |

**Closing by Sponsor:**

|          |                                                                   |
|----------|-------------------------------------------------------------------|
| 10:55:15 | Sen. Howard                                                       |
| 10:55:59 | Chair A. Regier                                                   |
| 10:56:56 | Recessed                                                          |
| 11:24:24 | Reconvened as Rep. Usher assumed the Chair with Rep. Ler excused. |

**EXECUTIVE ACTION ON SB 83**

11:24:28     **Motion:** Rep. A. Regier moved that **SB 83 BE CONCURRED IN.**

**Discussion:**

|          |                                                                                                                                                                                                                                                 |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11:24:52 | Rachel Weiss, Legislative Services Division (LSD)                                                                                                                                                                                               |
| 11:25:23 | <b><u>Vote:</u></b> Motion carried 16-3 by roll call vote with Rep. Farris-Olsen, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Fleming, Rep. Gillette, Rep. Lenz, Rep. Ler and Rep. Stromswold voted by proxy. Rep. Ler will carry the bill. |

**EXECUTIVE ACTION ON SB 338**

11:27:33     **Motion:** Rep. A. Regier moved that **SB 338 BE CONCURRED IN.**

**Discussion:**

|          |                   |
|----------|-------------------|
| 11:27:42 | Rachel Weiss, LSD |
|----------|-------------------|

11:28:02 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Fleming, Rep. Gillette, Rep. Lenz, Rep. Ler and Rep. Stromswold voted by proxy. Rep. Phalen will carry the bill.

**EXECUTIVE ACTION ON SB 354**

11:29:36 **Motion:** Rep. A. Regier moved that **SB 354 BE CONCURRED IN.**

**Discussion:**

11:29:44 Rachel Weiss, LSD

11:30:13 **Motion:** Rep. A. Regier moved that **SB 354 BE AMENDED.**

[\*\*EXHIBIT\(juh60a02\)\*\*](#)

**Discussion:**

11:30:23 Rachel Weiss, LSD

11:31:47 Vice Chair Kelker

11:32:05 Chair Usher

11:32:11 Vice Chair Kelker

11:32:09 Chair Usher

11:32:28 Rep. Tenenbaum

11:32:32 **Motion/Vote:** Rep. Tenenbaum moved to **PASS CONSIDERATION ON SB 354.** Motion failed 7-12 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting aye. Rep. Fleming, Rep. Gillette, Rep. Lenz, Rep. Ler and Rep. Stromswold voted by proxy.

11:34:39 Rep. Stafman

11:35:11 Rachel Weiss, LSD

11:35:50 Rep. France

11:36:04 Chair Usher

11:36:19 Rep. France

11:38:02 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Fleming, Rep. Gillette, Rep. Lenz, Rep. Ler and Rep. Stromswold voted by proxy.

11:39:20 **Motion:** Rep. A. Regier moved that **SB 354 BE CONCURRED IN AS AMENDED.**

**Discussion:**

11:39:32 Rep. Tenenbaum

11:40:07 Rep. Kelker

11:41:43 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Fleming, Rep. Gillette, Rep. Lenz, Rep. Ler and Rep. Stromswold voted by proxy. Rep. Berglee will carry the bill.

**EXECUTIVE ACTION ON SB 370**

11:43:27 **Motion:** Rep. A. Regier moved that **SB 370 BE CONCURRED IN.**

**Discussion:**

11:43:33 Rachel Weiss, LSD

11:43:54 **Motion:** Rep. A. Regier moved that **SB 370 BE AMENDED.**

[\*\*EXHIBIT\(juh60a03\)\*\*](#)

**Discussion:**

11:44:08 Rep. J. Hinkle  
11:45:34 Rep. Carlson  
11:46:06 Rep. Kelker  
11:46:34 Rep. Lenz joined the meeting.  
11:48:19 Rep. Stafman  
11:49:01 Rep. J. Hinkle  
11:49:32 Rep. Ler joined the meeting.  
11:49:46 Rep. Stafman  
11:50:07 Rep. J. Hinkle  
11:50:41 Rep. Skees

11:51:19 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Fleming, Rep. Gillette and Rep. Stromswold voted by proxy.

11:52:38 **Motion:** Rep. A. Regier moved that **SB 370 BE CONCURRED IN AS AMENDED.**

11:52:57 **Motion:** Rep. Skees moved that **SB 370 BE AMENDED.**

[\*\*EXHIBIT\(juh60a04\)\*\*](#)

**Discussion:**

11:53:24 Rep. Skees  
11:54:04 Rep. Ler  
11:54:18 Rep. Skees  
11:54:39 Rachel Weiss, LSD

11:55:14 Without objection Rep. Skees withdrew his motion to **AMEND SB 370.**

11:55:26 Chair Usher  
11:55:35 Rep. Phalen  
11:55:38 Chair Usher  
11:55:50 Rep. Skees

11:56:00 **Motion:** Rep. Skees moved that **SB 370 BE CONCEPTUALLY AMENDED BY MODIFYING AMENDMENT NUMBER SB 370.1.1 BY REMOVING THE NUMBER 4 AND INSERTING NUMBER 13 ON LINE 24, LINE 27, AND ON PAGE 3 LINE 11.**

**EXHIBIT(juh60a05)**

**Discussion:**

11:56:26 Rachel Weiss, LSD  
11:56:36 Rep. Skees  
11:56:41 Chair Usher  
11:56:49 Rachel Weiss, LSD

11:57:03 **Vote:** Motion carried unanimously by voice vote. Rep. Fleming, Rep. Gillette and Rep. Stromswold voted by proxy.

11:57:25 **Motion:** Rep. A. Regier moved that **SB 370 BE CONCURRED IN AS AMENDED.**

**Discussion:**

11:57:33 Rep. Stafman

12:00:13 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Fleming, Rep. Gillette and Rep. Stromswold voted by proxy. Rep. Ler will carry the bill.

**EXECUTIVE ACTION ON SB 344**

12:00:43 **Motion:** Rep. A. Regier moved that **SB 344 BE CONCURRED IN.**

**Discussion:**

12:01:10 Rep. Bishop

12:01:34 Without objection Chair Usher made a motion to **PASS CONSIDERATION ON SB 344.**

**Committee Business:**

12:01:51 Rep. Hawk  
12:01:55 Chair Usher  
12:02:01 Rep. Skees  
12:02:13 Rep. Phalen  
12:02:30 Rep. Bishop  
12:05:48 Rep. Skees  
12:06:20 Rep. Phalen  
12:06:48 Rep. Lenz



**ADJOURNMENT**

Adjournment: 12:06:54

---

Joanne Kauzlarich, Secretary

jk

Additional Documents:

**EXHIBIT**([juh60aad.pdf](#))



# **2021 Session**

## **Additional Documents**

**May include the following:**

- **Business Report**
- **Roll Call -Attendance**
- **Standing Committee Reports**
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  - Petitions, Pamphlets, Leaflets, Brochures, Emails, all documents given to Committee Secretary 24 hours after the meeting adjourned.**

**The original exhibit/items are on file at the Montana Historical Society and may be viewed there.**

## **BUSINESS REPORT**

### **MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION**

#### **HOUSE JUDICIARY COMMITTEE**

**Date:** Friday, March 26, 2021

**Place:** Capitol

**Time:** 8:00 AM

**Room:** 137

#### **BILLS and RESOLUTIONS HEARD:**

SB 280 - Revise vital statistics laws regarding sex designation on birth certificate - Sen. Carl Glimm (R)

SB 283 - Generally revise laws regarding firearms on school grounds - Sen. Carl Glimm (R)

SB 315 - Adopt the Born-Alive Infant Protection Act - Sen. David Howard (R)

SB 344 - Allow for adult inmates at Pine Hills Youth Correctional Facility - Sen. Kenneth Bogner (R)

#### **EXECUTIVE ACTION TAKEN:**

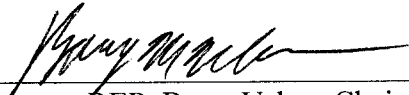
**BE CONCURRED IN** - SB 83 - Revise special lien law - Sen. Brian Hoven (R)

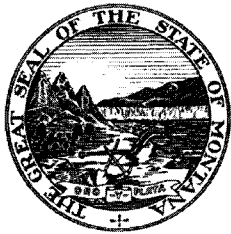
**BE CONCURRED IN** - SB 338 - Revise civil liability laws - Sen. Mike Lang (R)

**BE CONCURRED IN AS AMENDED** - SB 354 - Revise laws related to land servitudes and easements - Sen. Steve Hinebaugh (R)

**BE CONCURRED IN AS AMENDED** - SB 370 - Protecting constitutional rights during an emergency - Sen. Jason Ellsworth (R)

#### **Comments:**

  
\_\_\_\_\_  
REP. Barry Usher, Chair



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL

DATE: March 26, 2021

| NAME                        | PRESENT | ABSENT/EXCUSED |
|-----------------------------|---------|----------------|
| REP. USHER, CHAIR           |         | ✓              |
| REP. AMY REGIER, VICE CHAIR | ✓       |                |
| REP. KELKER, VICE CHAIR     | ✓       |                |
| REP. BERGLEE                | ✓       |                |
| REP. BISHOP                 | ✓       |                |
| REP. CARLSON                | ✓       |                |
| REP. FARRIS-OLSEN           | ✓       |                |
| REP. FLEMING                |         | ✓              |
| REP. FRANCE                 | ✓       |                |
| REP. GILLETTE               |         | ✓              |
| REP. HAWK                   | ✓       |                |
| REP. JEDEDIAH HINKLE        | ✓       |                |
| REP. LENZ                   | ✓       |                |
| REP. LER                    |         | ✓              |
| REP. PHALEN                 | ✓       |                |
| REP. SKEES                  | ✓       |                |
| REP. STAFMAN                | ✓       |                |
| REP. STROMSWOLD             |         | ✓              |
| REP. TENENBAUM              | ✓       |                |

19 MEMBERS



## HOUSE STANDING COMMITTEE REPORT

March 26, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 83** (second house second reading copy -- tan) **be concurred in**.

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

To be carried by Representative Brandon Ler

- END -

**Committee Vote:**

**Yes 16, No 3**

Fiscal Note Required ☐

SB0083001SC19618.h1c

3-26-21  
TR 1:05 PM  
(2)



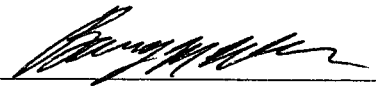
## HOUSE STANDING COMMITTEE REPORT

March 26, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 338** (second house second reading copy -- tan) **be concurred in.**

Signed:   
*Representative Barry Usher, Chair*

To be carried by Representative Bob Phalen

- END -

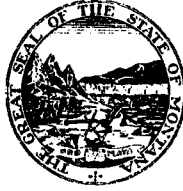
**Committee Vote:**

**Yes 12, No 7**

Fiscal Note Required ☐

SB0338001SC19619.h1c

3.26.21  
TR 1:05pm  
Ⓟ



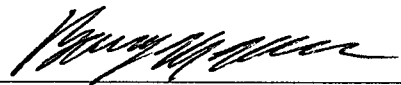
## HOUSE STANDING COMMITTEE REPORT

March 26, 2021

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 354** (second house second reading copy -- tan) **be concurred in as amended.**

Signed:   
*Representative Barry Usher, Chair*

To be carried by Representative Seth Berglee

### And, that such amendments read:

1. Title, line 7.

Strike: "SECTION"

Insert: "SECTIONS 23-2-322 AND"

2. Page 1.

Following: line 15

Insert: "**Section 2.** Section 23-2-322, MCA, is amended to read:

**"23-2-322. Prescriptive easement not acquired by recreational use of surface waters.** (1) A prescriptive easement is a right to use the property of another that is acquired by open, exclusive, notorious, hostile, adverse, continuous, and uninterrupted use for a period of 5 years.

(2) A prescriptive easement cannot be acquired through:

(a) recreational use of surface waters, including:

(i) the streambeds underlying them;

(ii) the banks up to the ordinary high-water mark; or

(iii) any portage over and around barriers; or

(b) the entering or crossing of private property;

(i) to reach surface waters; or

### Committee Vote:

**Yes 12, No 7**

Fiscal Note Required \_\_\_

SB0354001SC16493.hlc

3.26.21  
JR 1:06pm  
(P)

(ii) to reach public property if reasonable, legal access to the public property is otherwise documented and deemed available within 1 mile of the alleged prescriptive easement access point to the public property; or

(c) a leasehold interest in the proposed servient tenement.

(3) (a) For a prescriptive easement that has not been reduced to writing or that is the result of a court order, an individual or governmental entity claiming the prescriptive easement shall pay a \$100 filing fee and file the following information with the regional office of the department of natural resources and conservation on a form prescribed by the department:

(i) an affidavit setting forth the specific facts that satisfy each of the criteria in subsection (1); and

(ii) a map that accurately depicts the location and nature of the public access prescriptive easement.

(b) The form prescribed by the department must be filed no later than December 31, 2022. This date serves as a notice requirement only, and by its filing does not create any rights. A prescriptive easement filed under this subsection (3) may only be claimed by an individual or governmental entity. A party may challenge the validity of a claim of a prescriptive easement at any time.

(4) The criteria set forth in subsection (1) are not satisfied for public access purposes if there is signage generated by a governmental entity and in place for a period of 5 or more years at the claimed easement site indicating that an individual is entering private property."

**Renumber:** subsequent sections

3. Page 1.

Following: line 28

Insert: "**NEW SECTION. Section 5.** {standard} **Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Renumber:** subsequent sections

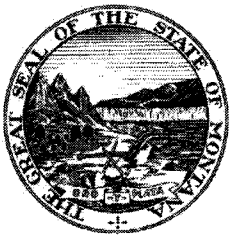
- END -





## **2021 Session**

**Standing Committee  
Report for SB 370 #  
is not in this set of  
minutes. It was voted  
out of committee, then  
it was reconsidered in  
a later meeting.**



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

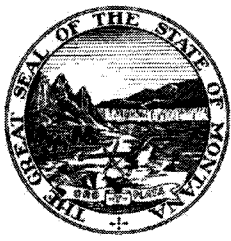
BILL NUMBER SB 83

DATE March 26, 2021

MOTION Be Concurred In

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     | ✓   |    |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    | ✓     |
| REP. BERGLEE                | ✓   |    |       |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    | ✓     |
| REP. GILLETTE               | ✓   |    | ✓     |
| REP. LER                    | ✓   |    | ✓     |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 | ✓   |    |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   | ✓   |    |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 | ✓   |    |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

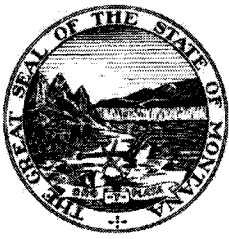
BILL NUMBER SB 338

DATE March 26, 2021

MOTION Be Concurred In

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    | ✓     |
| REP. BERGLEE                | ✓   |    |       |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    | ✓     |
| REP. GILLETTE               | ✓   |    | ✓     |
| REP. LER                    | ✓   |    | ✓     |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

BILL NUMBER SB 354

DATE March 26, 2021

MOTION Pass Consideration

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR |     | ✓  |       |
| REP. KELKER, VICE CHAIR     | ✓   |    |       |
| REP. CARLSON                |     | ✓  |       |
| REP. STROMSWOLD             |     | ✓  | ✓     |
| REP. BERGLEE                |     | ✓  |       |
| REP. PHALEN                 |     | ✓  |       |
| REP. FLEMING                |     | ✓  | ✓     |
| REP. STAFMAN                | ✓   |    |       |
| REP. LENZ                   |     | ✓  | ✓     |
| REP. GILLETTE               |     | ✓  | ✓     |
| REP. LER                    |     | ✓  | ✓     |
| REP. TENENBAUM              | ✓   |    |       |
| REP. BISHOP                 | ✓   |    |       |
| REP. J. HINKLE              |     | ✓  |       |
| REP. HAWK                   | ✓   |    |       |
| REP. SKEES                  |     | ✓  |       |
| REP. FARRIS-OLSEN           | ✓   |    |       |
| REP. FRANCE                 | ✓   |    |       |
| REP. USHER, CHAIR           |     | ✓  |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

BILL NUMBER SB 354

DATE March 26, 2021

MOTION Be Amended

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    | ✓     |
| REP. BERGLEE                | ✓   |    |       |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    | ✓     |
| REP. GILLETTE               | ✓   |    | ✓     |
| REP. LER                    | ✓   |    | ✓     |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

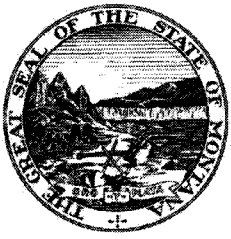
BILL NUMBER SB 354

DATE March 26, 2021

MOTION Be Concurred In As Amended

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    | ✓     |
| REP. BERGLEE                | ✓   |    |       |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    | ✓     |
| REP. GILLETTE               | ✓   |    | ✓     |
| REP. LER                    | ✓   |    | ✓     |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

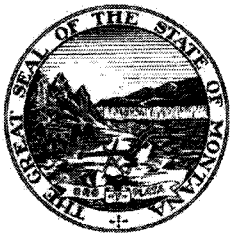
BILL NUMBER SB 370

DATE March 26, 2021

MOTION Be Amended 370.1.2

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    | ✓     |
| REP. BERGLEE                | ✓   |    |       |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    | ✓     |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

BILL NUMBER SB 370

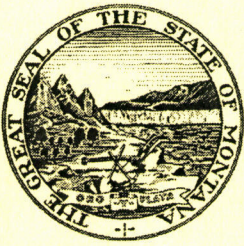
DATE March 26, 2021

MOTION Be Concurred In As Amended

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    | ✓     |
| REP. BERGLEE                | ✓   |    |       |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    | ✓     |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

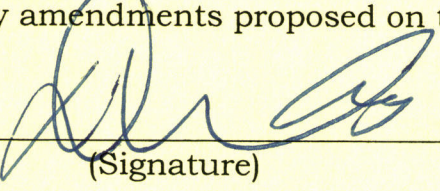
I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A. Regier.

| BILL                                                            | AYE | NO |
|-----------------------------------------------------------------|-----|----|
| SB 373 Do Concur                                                | ✓   |    |
| SB 373 Do Concur                                                | ✓   |    |
| Amendment SB 374.1.1                                            | ✓   |    |
| Substitute motion to pass<br>consideration Amendment SB 374.1.1 | ✓   |    |
| SB 374 Do Concur as amended                                     | ✓   |    |
| Amendment SB 377.1.2 <sup>2nd</sup>                             |     |    |
|                                                                 |     |    |
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| BILL | AYE | NO |
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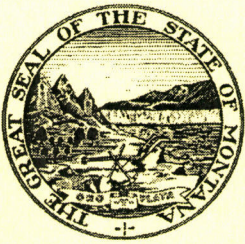
I authorize my vote to be matched with that of Rep. A. Regier  
for any amendments proposed on this date.

Rep.   
(Signature)

Date 3/26/21

Rep. Lenz





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Rejcek.

| BILL                                                            | AYE | NO |
|-----------------------------------------------------------------|-----|----|
| SB 357 Do Concur                                                | ✓   |    |
| SB 354 Do Concur                                                | ✓   |    |
| Amendment<br>SB 354.1.1                                         | ✓   |    |
| Substitute motion to pass<br>consideration Amendment SB 354.1.1 |     | ✓  |
| SB 354 Do Concur as amended                                     | ✓   |    |
| Amendment<br>SB 354.1.2 one                                     |     |    |
|                                                                 |     |    |
|                                                                 |     |    |
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| BILL | AYE | NO |
|------|-----|----|
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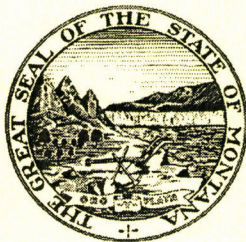
I authorize my vote to be matched with that of Rep. A. Rejcek  
for any amendments proposed on this date.

Rep. Brian L. Ler  
(Signature)

Date 3/26/21

Rep. Ler





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Amy Regier.

| BILL                                                            | AYE | NO |
|-----------------------------------------------------------------|-----|----|
| SB 87 Do Concur                                                 | ✓   |    |
| SB 339 Do Concur                                                | ✓   |    |
| Amendment<br>SB 354.1.1                                         | ✓   |    |
| substitute motion to pass<br>consideration Amendment SB 354.1.1 |     | ✓  |
| SB 354 Do Concur as amended                                     | ✓   |    |
| Amendment SB 370.1.2                                            | ✓   |    |
| Amendment SB 370.1.1                                            |     |    |
| conceptual amendment to SB 370                                  | ✓   |    |
| SB 370 Do Concur as twice amended                               | ✓   |    |
| SB 344 Do Concur                                                |     |    |
|                                                                 |     |    |

| BILL | AYE | NO |
|------|-----|----|
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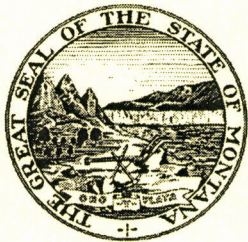
I authorize my vote to be matched with that of Rep. A. Regier  
for any amendments proposed on this date.

Rep. Mallene Stromswold  
(Signature)

Date 3/26/21

Rep. Stromswold





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A Reiger.

| BILL                                                            | AYE | NO |
|-----------------------------------------------------------------|-----|----|
| SB 377 Do Concur                                                | ✓   |    |
| SB 379 Do Concur                                                | ✓   |    |
| Amendment SB 354.1.1                                            | ✓   |    |
| Substitute motion to pass<br>Consideration Amendment SB 354.1.1 |     | ✓  |
| SB 354 Do Concur as amended                                     | ✓   |    |
| Amendment SB 370.1.2                                            | ✓   |    |
| Amendment SB 370.1.1                                            | —   | —  |
| Conceptual amendment<br>to SB 370                               | ✓   |    |
| SB 370 Do Concur as twice amended                               | ✓   |    |
| SB 344 Do Concur                                                | —   | —  |
|                                                                 |     |    |

| BILL | AYE | NO |
|------|-----|----|
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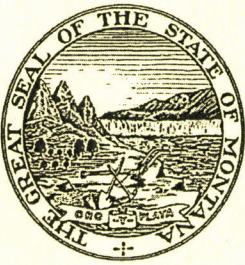
I authorize my vote to be matched with that of Rep. A Reiger  
for any amendments proposed on this date.

Rep. Jim Fleming  
(Signature)

Date 3/24/21  
176/2021 FF

Rep. Fleming





*The Big Sky Country*

MONTANA HOUSE OF REPRESENTATIVES  
AUTHORIZED  
COMMITTEE PROXY  
67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A. Regier.

PLEASE USE PEN

| BILL             | MOTION<br>(Include AMENDMENT #)                                                 | AYE          | NO |
|------------------|---------------------------------------------------------------------------------|--------------|----|
| SB354            | Do Concur                                                                       | ✓            |    |
| SB354            | Do Concur                                                                       | ✓            |    |
| SB354            | Amendment SB354, 1.1                                                            | ✓            |    |
| SB354            | <del>Pass</del> Substitute motion to<br>pass consideration Amendment SB354, 1.1 |              | ✓  |
| SB354            | Do Concur as amended                                                            | ✓            |    |
| SB370            | Amendment SB370, 1.2                                                            | ✓            |    |
| <del>SB370</del> | <del>Amendment SB370, 1.1</del>                                                 | <del>✓</del> |    |
| SB370            | Conceptual amendment<br>to SB370                                                | ✓            |    |
| SB370            | Do Concur as twice amended                                                      | ✓            |    |
|                  |                                                                                 |              |    |
|                  |                                                                                 |              |    |
|                  |                                                                                 |              |    |

| BILL | MOTION<br>(Include AMENDMENT #) | AYE | NO |
|------|---------------------------------|-----|----|
|      |                                 |     |    |
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I authorize my vote to be matched with that of Rep. A. Regier  
for any amendments proposed on this date.

Rep. [Signature] James Gillette \_\_\_\_\_  
(Signature) (Print Name) (Meeting Date)

Rep. Gillette

## **2021 Legislative Session**

# **WITNESS STATEMENTS**

**The following is an assortment of  
documents that are witness  
statements.**

**“A witness statement is a signed document  
recording the evidence of a witness. A  
definition “a written statement signed by a  
person which contains the evidence which that  
person would be allowed to give orally.”**



**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Wednesday, March 24, 2021 10:30 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill SB-344: Allow for adult inmates at Pine Hills Youth Correctional Facility 2021-03-26 08:00 AM - (H) Judiciary Successfully Submitted on 03-24-21 22:30

**Details:**

**Bill:** SB-344: Allow for adult inmates at Pine Hills Youth Correctional Facility 2021-03-26 08:00 AM - (H) Judiciary

**Position:** Opponent

**Representing an Entity/Another Person:** No

**Organization:** N/A

**Name:** Laurie Little Dog

**Email:** LaurieLittleDog@gmail.com

**Phone:** (406) 308-3378

**City, State:** Bozeman, MT

**Written Statement:** My name is Laurie Little Dog and I rise in strong opposition of SB 344. This bill would reward unlawful behavior by a state agency with access to expand their operations that hurt Montana citizens at large. This is a means to expand the prison industrial complex simply because the commandeered a facility that they did not have legal right to.

This is a BAD bill that will cost the state a lot of money because gives the DOC Many many more beds that costs the state a LOT of money to house inmates per year. Taxpayers say NO way! We do not want to give DOC a means to incarcerate more people. This bad bill gives the DOC the means to fill yet another prison (human warehouse) when they should be providing meaningful rehabilitation with the people they already have.

Please say NO to SB-344.

**Files:**

**Testify via Zoom:** Yes

**Zoom Method:** Computer

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Thursday, March 25, 2021 11:28 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill SB-315: Adopt the Born-Alive Infant Protection Act 2021-03-26 08:00 AM - (H) Judiciary Successfully Submitted on 03-25-21 11:28

**Details:**

Bill: SB-315: Adopt the Born-Alive Infant Protection Act 2021-03-26 08:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Myself and ProLife Helena

Name: Cathy Carlson

Email: cycathy18@gmail.com

Phone: (206) 551-5797

City, State: East Helena, MT

Written Statement: Please see my written testimony. I urge you if you think that this is about women's health to truly reconsider. We women can manage having babies, even if given for adoption, we've been doing this for thousands of years.

This is about a baby's health, their life or death. I urge a do pass.

Thank you for hearing my testimony and I want to thank you for standing up for babies, the most vulnerable and without voice. Sincerely, Cathy Carlson

I copied my testimony as my file link was inaccessible-

**SB 315 Born Alive Act - Testimony**

Thank you for the opportunity to speak Chairman and Representatives of the Judiciary Committee.

In previous testimony, I described the life-threatening pregnancy of my daughter which required Baby John to be birthed at 23 weeks. I think of that little one who was so perfect and had the opportunity to live for 5 days and be a part of our family. He was given the opportunity to fight for his life with the support of the NICU ward and then passed away in his mommy's arms singing to him and with his tiny little hand on his daddy's finger.

Picture a baby who has been violently removed from the womb (natural childbirth is traumatic enough for the baby moving from a soft warm womb to the harsh reality of the world). And this baby did not die but was born alive, you hear this little one crying, but has no one holding him, covering him, providing for him, he's scared and alone. And he's left to die by himself, suffering in who knows what ways.

Which one of these babies was treated with the same rights and medical care as a 'legal person', both alive, both struggling for their life, both little and helpless? Is one more precious than the other? And then I think about what might have been for my baby girl I aborted in 1974 even though she was about 12 weeks along.

I refer you to book / film about Dr. Kermit Gosnell. The story of what he did as a Doctor is very difficult but extremely important to this issue. <http://gosnellmovie.com>

I urge you to support House Bill No. 315.



Sincerely,  
Cathy Carlson  
POB 1892, East Helena, MT 59635; 406-422-0029  
Files:  
Testify via Zoom: No  
Zoom Method: N/A

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Thursday, March 25, 2021 11:04 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill SB-315: Adopt the Born-Alive Infant Protection Act 2021-03-26 08:00 AM - (H) Judiciary Successfully Submitted on 03-25-21 11:04

**Details:**

Bill: SB-315: Adopt the Born-Alive Infant Protection Act 2021-03-26 08:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Pro-Life Helena

Name: Sharon R Nason

Email: rsnason3875@gmail.com

Phone: (406) 461-3021

City, State: Clancy

Written Statement: Mr. Chairman, my name is Sharon Nason and I am President of ProLife Helena. "If a mother is in labor, I can tell you exactly what would happen. The infant would be delivered. The infant would be kept comfortable. The infant would be resuscitated if that's what the mother and the family desired, and then a discussion would ensue between the physicians and the mother." That is a quote from Governor Ralph Northam of Virginia when asked in a radio interview on January 30, 2019 to comment on legislation introduced in the Virginia House of Delegates whose sponsor said would allow abortion for "mental health" reasons "all the way up to 40 weeks". If fact, Kathy Tran, the sponsor of the bill stated her proposal would permit abortion when the woman's cervix is dilating and she is preparing to give birth.

The week prior to Governor Northam's interview, New York legalized abortion until birth for the mother's "health", which is not defined and has been interpreted by the U. S. Supreme Court to include essentially any reason. Governor Cuomo even ordered several iconic New York landmarks, including the One World Trade Center's spire, to be lit up in pink to celebrate the signing of the Reproductive Health Act.

What happened to Planned Parenthood's mantra of "safe, legal, and rare? That has long been forgotten in favor of abortion at any time, for any reason. Sadly, we have traveled down a very slippery slope since 1973 when Roe vs. Wade legalized abortion in all fifty states. Fortunately, we do not live in New York or Virginia. We live in Montana where I believe life is still valued. Most of us know ranchers that fight for the lives of their livestock born during cold Montana springs. If we can fight for the lives of newborn livestock, can we not also fight for the lives of newborn humans? The prestigious national organization Americans United for Life ranked Montana 43rd among the 50 states on protecting life in 2020. Even Governor Northam's state of Virginia was ranked higher than Montana. I believe Montana can, and must, do better. Thank you.

**Files:**

Testify via Zoom: No

Zoom Method: N/A

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Thursday, March 25, 2021 10:31 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill SB-315: Adopt the Born-Alive Infant Protection Act 2021-03-26 08:00 AM - (H) Judiciary Successfully Submitted on 03-25-21 10:30

**Details:**

Bill: SB-315: Adopt the Born-Alive Infant Protection Act 2021-03-26 08:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Jacob Corcoran

Email: Jacob.helena@live.com

Phone: (406) 431-0937

City, State: Helena, MT

Written Statement: Thank you Committeemen and women, my name is Jacob Corcoran. I am writing to show my support for this legislation and to condemn those who oppose it. The fact that caring for a born alive infant needs to be discussed, debated over, and legislated shows how far we have fallen backwards as a civilized society.

We have fallen back to the days of the Roman's, with the murder of infants being based on what they can offer you, level of disability, or just the fact he/she was unwanted. We are falling back to before the 1970s with segregation programs in Universities and public schools, separating people based on race and level of impoverishment. I thought progressivism was about progress, not taking us backward. I do disagree with terms used in this bill that imply an abortionist provides any level of healthcare.

Calling an abortionist a Healthcare provider/professional is the equivalent of calling a serial killer an assisted-suicide physician. Abortion at any level is murder because it is the taking of a life. And it has been the consensus of the scientific community for over a decade that life starts at the heartbeat. We know that murder is immoral and therefore, abortion is immoral. You will, undoubtedly, here an opponent to this bill say that you cannot legislate morality. However, if that were the case; homicide, burglary, and assault would not be considered illegal. We must take a stand for morality and doing what is just and right for these unborn and born-alive citizens of our great nation.

I ask you to vote yes on this legislation and I dare to say that all who vote no, be held accountable for any murder of a born-alive infant at the hands of an abortionist or any other person. I hope to God your morals return and you feel the conviction of your decision to vote no, as you will have the blood of each infant that is murdered after being born-alive, directly on your hands and I pray the citizens of your districts will not forget it.

**Files:**

Testify via Zoom: No

Zoom Method: N/A

# WITNESS STATEMENT

## LEG Committee-House Judiciary testimony

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**From:** leg-noreply@mt.gov  
**Sent:** Wednesday, March 24, 2021 7:39 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill SB-315: Adopt the Born-Alive Infant Protection Act 2021-03-26 08:00 AM - (H) Judiciary Successfully Submitted on 03-24-21 19:39

### Details:

Bill: SB-315: Adopt the Born-Alive Infant Protection Act 2021-03-26 08:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Robert Williamson

Email: bbwmson@gmail.com

Phone: (406) 266-1446

City, State: Townsend, MT

Written Statement: March 24, 2021

To: House Judiciary Committee

From: Robert Williamson

Re: Testimony in support of SB 315

### Preamble:

I believe that all human life is sacred from the moment of conception to natural death. Right now, during this 67th Montana Legislature session, a number of proposed bills deal with the earliest stages of that sacredness and fall under the shadow of the abortion holocaust. When I have to debate issues surrounding abortion, I must always ask an initial question: Do you believe that an embryo or fetus is a human being? This is the question about when life begins. This is a foundational question because without mutual agreement of YES there is no reason to continue the conversation. In order to engage in meaningful conversation we must both stand upon a foundational rock of Truth and reality. Only when we agree to YES can meaningful dialogue ensue regarding the controversial and divisive issues of abortion because we at least can agree on the nature of a human being.

Follow-up foundational questions then would be about the quality of being human: Is all human life sacred? Is the life of a physically or mentally handicapped person less sacred or dignified than other lives? Does the sacredness of human life vary with age? Am I worthy of greater dignity and respect, does my life have more worth or value than those who are younger than I am? Many, who might even agree that a pre-born child in utero is, indeed, a child, are willing to kill that child through abortion if that human child usurps or challenges a woman's right to choose. Choice, evidently, is of greater value than Life.

I believe that all human life from conception to natural death is sacred and that the right to life is primary to all other rights. I think abortion is a grave evil and that abortion should not be permitted under any circumstances. I would hope to save all babies from the scourge of abortion. But, if I can not save them all, I hope to save as many as I can, even if it's only one. And this is where we are today, debating only partial measures that might save a few human children.

### Senate Bill 315: Born-Alive Infant Protection Act

SB 315 simply says that a born-alive infant, even one born in the course of abortion must be treated as a legal person under the laws of the state, with the same rights to medically appropriate and reasonable care and treatment. Basically, the bill determines that a child's personhood becomes credible once he or she is born alive. This idea echoes one of my questions proposed above: Does the sacredness of life vary with age? Maybe the sacredness doesn't vary with age, but obviously personhood does depend upon circumstance and condition. Sanctity of life of the human person should not

be qualified by circumstance or condition. That is ethical relativism which applies merit and worth according to a sliding scale. Slippery slope, that. But, still, a few children saved are a blessing, and the bill, in a small measure, confirms the sanctity of human life.

Mr. Chairman and members of the committee, please vote "do pass" on the Senate Bill 315. Thanks you for your time and commitment.

Files:

Testify via Zoom: No

Zoom Method: N/A

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Wednesday, March 24, 2021 5:38 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill SB-315: Adopt the Born-Alive Infant Protection Act 2021-03-26 08:00 AM - (H) Judiciary Successfully Submitted on 03-24-21 17:38

**Details:**

Bill: SB-315: Adopt the Born-Alive Infant Protection Act 2021-03-26 08:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Barbara Williamson

Email: bbwmsn@gmail.com

Phone: (701) 201-0456

City, State: Townsend, Montana

Written Statement: March 24, 2021

From: Barbara Williamson

Re: Testimony in support of SB 315

Mr. Chairman and Members of the committee, my name is Barbara Williamson. I am a retired teacher, mother, grandmother and concerned citizen. I also speak for unborn children who cannot speak for themselves.

I do believe in the fundamental dignity of the human person and that we should protect and respect all human persons from the moment of conception through natural death. In an ideal world, abortions would not be necessary and would be few and far between because as a society we would embrace and accompany women in difficult pregnancies and help them choose life for their children.

As many women choose abortion and abortions are legal in Montana until the unborn child is viable, I urge you to pass SB 315. Once a child is viable, there is a greater chance that an abortion could end up with an infant being born-alive. The safe guards provided in SB 315 for the born-alive infant needs to be in place when this happens. A child born-alive whether born in a hospital or due to an attempted abortion in another clinic setting is a separate legal person under the laws of the state of Montana. This child needs to be protected and given the medical care warranted to help them survive even if this entails being sent to another medical facility that can provide that care.

Denying proper medical care to an infant born-alive is inhumane and should be illegal. A health care provider who is found guilty of withholding necessary care and allowing the born-alive infant to die deserves to be prosecuted as a felon. Without serious legal consequences, what is there to stop a health care provider who is willing to kill a child in a mother's womb from allowing an infant born-alive to be left to die.

Mr. Chairman and Members of the committee, I urge a "do Pass" for SB 315.

Thank you for your time and consideration.

Files:

Testify via Zoom: No

Zoom Method: N/A



HUMAN  
RIGHTS  
CAMPAIGN®

House Judiciary Committee  
1301 East Sixth Avenue  
Helena, MT 59601

March 16, 2021

**Re: OPPOSITION to SB 280, Testimony from the Human Rights Campaign in opposition to the bill to restrict the ability to correct gender markers on birth records**

Dear Chair Usher and Members of the Committee:

The Human Rights Campaign (HRC), on behalf of its more than three million members and supporters nationwide, thanks you for the opportunity to submit testimony on SB 280, a deeply harmful, discriminatory, and unconstitutional bill that attacks the dignity, safety, and well-being of transgender residents. We urge you to swiftly reject this discriminatory legislation.

The Human Rights Campaign is America's largest civil rights organization working to achieve lesbian, gay, bisexual, transgender, and queer (LGBTQ) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBTQ people and realize a world that achieves fundamental fairness and equality for all. As an advocate of equal rights for all members of the LGBTQ community, HRC believes that transgender people should be able to obtain accurate identity documents, including birth records, that reflect who they truly are.

SB 280 would write discrimination into law by creating new and substantial barriers designed to severely restrict the ability of transgender Montanans to correct the gender marker on their birth certificate, jeopardizing their safety and well-being. Transgender people who are unable to obtain accurate identity documents that reflect their gender identity frequently experience violence and discrimination. According to the 2015 U.S. Transgender Survey, nearly one-third of transgender people with incongruent documents were verbally harassed, denied benefits or service, asked to leave, or assaulted.<sup>1</sup> Furthermore, identity documents are required by employers for payroll purposes, and incongruent documents can lead to a transgender employee being “outed” at work, which may result in discrimination. Incongruent documents can also cause unnecessary expense or suspicion by the government when dealing with a person who has unmatched documents.

Moreover, this bill is unconstitutional and would subject the state to costly litigation. Earlier this year, a federal court found that unnecessary barriers like surgical requirements that restrict

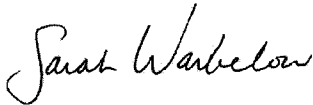
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<sup>1</sup> James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The Report of the 2015 U.S. Transgender Survey*. Washington, DC: National Center for Transgender Equality, available at <http://www.ustranssurvey.org/report>.

transgender residents' ability to obtain identity documents that accurately reflect their gender identity violate the Equal Protection Clause of the United State Constitution.<sup>2</sup> What's more, a federal court ruled last year that a newly-enacted Idaho law barring transgender people from correcting their birth certificate gender marker violated the court's 2018 ruling striking down a similar Idaho policy on equal protection grounds.<sup>3</sup> The court noted in its 2018 decision that allowing individuals to "obtain a birth certificate with a listed sex that aligns with [their] gender identity promotes the health, well-being, and safety of transgender people without impacting the rights of others" and ordered the state to begin issuing birth certificates that accurately reflect gender identity.<sup>4</sup>

Thank you for the opportunity to submit testimony, and we strongly urge you to reject this unconscionable attack on the constitutional rights and the dignity and safety of transgender people.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Warbelow".

Sarah Warbelow  
Legal Director  
Human Rights Campaign

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<sup>2</sup> *Corbitt v. Taylor*, 2021 U.S. Dist. LEXIS 8316.

<sup>3</sup> *F.V. v. Jeppesen*, 2020 U.S. Dist. LEXIS 152374.

<sup>4</sup> *F.V. v. Barron*, 286 F. Supp. 3d 1131, 1145-1146.



# WITNESS STATEMENT

February 24, 2021

Dear Senators and Representatives of the Montana legislature,

We, the undersigned healthcare providers, are deeply concerned about a number of bills currently in the Montana legislature that are discriminatory towards our LGBTQ+ patients and fellow community members. It is our duty to support and care for all people, and to speak out when we witness harmful discrimination of any sort, especially discrimination against vulnerable minority populations.

Research unequivocally shows that stigmatized and marginalized populations, such as our fellow Montanans who are LGBTQ+, suffer an increased number of mental and physical health disparities compared to individuals who are not LGBTQ+. Increased rates of suicide, cancer, substance abuse, and obesity are just a few of the health disparities that LGBTQ+ individuals often face. These increased health disparities are not inherent in being LGBTQ+. These health disparities are the result of the stigma, prejudice, and discrimination as well as the denial of civil and human rights that LGBTQ+ individuals face in so many areas of their lives.

When legislatures pass harmful bills that discriminate against LGBTQ+ individuals, the suicide rate increases even more. For example, when HB 2, the infamous “bathroom bill” in North Carolina passed, the number of calls to a suicide hotline for transgender individuals doubled. The passage of that bill led to a number of lives lost from suicide. Alternatively, passage of bills that decrease discrimination, such as marriage equality, significantly decreases suicide rates among LGBTQ+ individuals.

A number of bills in the Montana legislature right now would further increase the discrimination that our LGBTQ+ Montanans already face. Allowing businesses and medical providers to discriminate against LGBTQ+ patients, prohibiting transgender youth from playing on sports teams, prohibiting gender diverse Montanans from aligning their birth certificate with their identity, and interfering with the physician-patient relationship would all only further increase the stigma, prejudice, and discrimination that our LGBTQ+ Montanans already face.

We, as Montana healthcare providers, are deeply troubled. We are troubled by the implications of each discriminatory bill. We are also gravely concerned by the sheer number of anti-LGBTQ+ bills currently being discussed in our legislature. Our fellow LGBTQ+ Montanans are already experiencing harm simply by knowing these discussions are happening. We strongly urge you to oppose all bills that would further discriminate against our fellow LGBTQ+ Montanans.

Thank you.

Sincerely,

|    |                      |                 |                                   |
|----|----------------------|-----------------|-----------------------------------|
| 1  | Adam Arlint          | Kalispell       | RMA                               |
| 2  | Adam Whiteley        | Bozeman         | Medical Student; Paramedic        |
| 3  | Adrienne Bull        | Dillon          | PA                                |
| 4  | Alanna Sherstad-Ray  | Bozeman         | MSW                               |
| 5  | Alex Kurtz           | Glendive        | MD                                |
| 6  | Angelica Johnson     | Fort Benton     | APRN                              |
| 7  | Angie Ostrowski      | Bozeman         | MD- Pediatrician                  |
| 8  | Anita Azam           | Billings        | MD                                |
| 9  | Anne Thomas          | Bozeman         | MD                                |
| 10 | Annika Linkenbach    | Billings        | RN                                |
| 11 | Ashleigh Hursh       | Butte           | RMA                               |
| 12 | Ashley Shields       | Dillon          | RN                                |
| 13 | Betty Waren          | Butte           | RN                                |
| 14 | Brandy Colvin        | Bozeman         | RN, FNP                           |
| 15 | Brenna Cockburn      | Billings        | Medical Student                   |
| 16 | Brenna Ostertag      | Missoula        | Medical Student                   |
| 17 | Callie Riffin        | Helena          | MD                                |
| 18 | Carol Sisk           | Bozeman         | NP                                |
| 19 | Carolyn Bell         | Belgrade        | Medical Student                   |
| 20 | Carrie Gleason       | Billings        | RN                                |
| 21 | Casey Blumenthal     | Helena          | RN                                |
| 22 | Catherine Akin       | Livingston      | RN                                |
| 23 | Catherine Ebelke     | Bozeman         | PA-C                              |
| 24 | Catherine Woods      | Bozeman         | MD                                |
| 25 | Cathy Waterman Grace | Bozeman         | MD                                |
| 26 | Cathy White          | Butte           | MD                                |
| 27 | Cecilia Heck         | Bozeman         | Medical Student                   |
| 28 | Chloe Georgetown     | Bozeman         | APRN                              |
| 29 | Christine Hodgson    | Bozeman         | NP                                |
| 30 | Christine Walsh      | Butte           | BSN, RN, Student AGPCNP           |
| 31 | Christopher Blevins  | Billings Clinic | MD                                |
| 32 | Cindee McKee         | Clancy          | LPN/Healthcare Coalition Director |
| 33 | Cody Swank           | Bozeman         | EMT-B                             |
| 34 | Colette Kirchoff     | Bozeman         | MD, FAAFP                         |
| 35 | Colleen Wood         | Billings        | MD                                |
| 36 | Courtney Honken      | Bozeman         | Medical student                   |
| 37 | Daniela Mestre       | Billings        | MD                                |
| 38 | Danika Comey         | Bozeman         | MPH                               |
| 39 | David Higgins        | Billings Clinic | MD                                |
| 40 | David King           | Bozeman Health  | MD                                |
| 41 | Deborah Agnew        | Billings        | MD                                |
| 42 | Deborah Cades        | Bozeman         | PA-C                              |

|    |                          |                              |                  |
|----|--------------------------|------------------------------|------------------|
| 43 | Deborah R Liptzin        | Missoula                     | MD               |
| 44 | Emily Colomeda           | Polson                       | RN               |
| 45 | Eric Lowe                | Bozeman                      | MD, FACEP, FAEMS |
| 46 | Erin Allen               | Billings                     | MD               |
| 47 | Erin Grantham            | Billings                     | MD               |
| 48 | Greta Hittner            | Bozeman                      | CNA              |
| 49 | Haleigh James            | Billings                     | MD               |
| 50 | Hannah Smith             | Bozeman                      | PA-C             |
| 51 | Hannah Wilson            | Bozeman                      | LCPC             |
| 52 | Harold Bruce             | Butte                        | FNP              |
| 53 | Heather Dinius           | Butte                        | RMA              |
| 54 | Heather Dziewit          | Butte                        | MPH              |
| 55 | Heather Marshall         | Missoula                     | RN, CPN          |
| 56 | Holly Hale               | Bozeman                      | Medical Student  |
| 57 | Jacob Meek               | Bozeman                      | Medical Student  |
| 58 | Jacqueline Wilson        | Bozeman                      | MD               |
| 59 | Jaime June               | Bozeman                      | LC               |
| 60 | Jalyn Huft               | Ismay                        | MS               |
| 61 | James Loeffelholz        | Bozeman                      | MD               |
| 62 | Jason Karro              | Bozeman                      | MD               |
| 63 | Jeff Scheihing           | Bozeman                      | DO               |
| 64 | Jennell Duey             | Billings                     | MD               |
| 65 | Jennifer Bennet          | Bozeman                      | CMA              |
| 66 | Jennifer Wilkinson       | Missoula                     | MD               |
| 67 | Jenny Runkel             | Bozeman Health               | APRN             |
| 68 | Jerimiah Lysinger        | Billings                     | MD               |
| 69 | Jessica Cozzens          | Billings                     | MD MPH           |
| 70 | Joan Ashcraft            | Polson                       | MD               |
| 71 | John Cole                | Kalispell                    | MD               |
| 72 | Jon McDonald             | Billings                     | MD               |
| 73 | Josh Colvin              | Bozeman                      | CNA              |
| 74 | Julie Topping            | Bozeman                      | MD               |
| 75 | Juliet Hansen            | Bozeman Health<br>Pediatrics | MD               |
| 76 | Kael Fry                 | Bozeman                      | LMFT             |
| 77 | Kaitlyn Frenk            | Billings                     | PA-C             |
| 78 | Katherine Kent           | Billings                     | Medical Student  |
| 79 | Kathleen Porco           | Red Lodge                    | CDCES, NBC-HWC   |
| 80 | Kathryn Borgenicht, M.D. | Bozeman                      | MD               |
| 81 | Kathryn Lowe             | Bozeman                      | MD               |
| 82 | Kathryn Lysinger         | Billings Clinic              | MD               |
| 83 | Katie D'Ardenne          | Bozeman                      | MD               |
| 84 | Kaycee Snelling          | Billings                     | RN               |

|     |                                  |                 |                      |
|-----|----------------------------------|-----------------|----------------------|
| 85  | Lane McGill                      | Broadus         | Medical Student      |
| 86  | Larry Severa                     | Billings        | MD                   |
| 87  | Laura Goodell                    | Bozeman         | MD                   |
| 88  | Laura Kirschenmann               | Billings        | CPhT                 |
| 89  | Lauren Russell                   | Bozeman         | MT                   |
| 90  | Lauren Wilson                    | Missoula        | MD                   |
| 91  | Laurie McKinney                  | Bozeman         | RN                   |
| 92  | Leslie Poling                    | Billings        | MD                   |
| 93  | Linda Waring                     | Bozeman         | MD                   |
| 94  | Lisa Gushwa                      | Bozeman         | MD                   |
| 95  | Lisa Ponfick                     | Helena          | MD                   |
| 96  | Lynne Foss                       | Bozeman         | CPNP-PC              |
| 97  | Macleon Turner                   | Billings        | Medical Student      |
| 98  | Maddie Gilstrap                  | Bozeman         | BS                   |
| 99  | Maddison Hayes                   | Bozeman         | CNA                  |
| 100 | Madeline Cade                    | Helena          | CNA                  |
| 101 | Marcella Fussell                 | Butte           | RN                   |
| 102 | Maria Michael                    | Bozeman         | MD                   |
| 103 | Marie Jenson                     | Polson          | RN                   |
| 104 | Mary Drake                       | Bozeman         | MD                   |
| 105 | Maureen Sheehan                  | Bozeman         | MD                   |
| 106 | Megan Evans                      | Dillon          | MD                   |
| 107 | Megan Poser                      | Billings        | NP                   |
| 108 | Meghan Johnston                  | Bozeman,        | MD                   |
| 109 | Melissa Casper                   | Bozeman         | MD                   |
| 110 | Merrill Taylor                   | Helena          | RN                   |
| 111 | Michael Herring                  | Bozeman Health  | MD                   |
| 112 | Mike Spinelli                    | Bozeman Health  | MD FACP              |
| 113 | Naomi Kolb                       | Missoula        | RN                   |
| 114 | Natascha nicole Meissner Pearson | Bozeman         | MD, PhD              |
| 115 | Niamh Linehan                    | Bozeman         | PA                   |
| 116 | Nicole Cottom                    | Dillon          | FNP-BC               |
| 117 | Pam Hiebert MD                   | Bozeman         | MD                   |
| 118 | Pam Lehen                        | Billings        | LPN                  |
| 119 | Parker Blekkenk                  | Bozeman         | Medical Student      |
| 120 | Patricia Notario                 | Billings        | MD FAAP              |
| 121 | Pepper Heyon, MD                 | Bozeman         | MD                   |
| 122 | Philip A. Bain                   | Bozeman         | MD                   |
| 123 | Quin Stevens                     | Kalispell       | Medical Student      |
| 124 | Rachel Schumacher                | Dillon          | RN                   |
| 125 | Robert McDermott                 | Billings Clinic | MD                   |
| 126 | Ryan Demmendaal                  | Bozeman         | EMT, Medical Student |

|     |                     |                                                             |                         |
|-----|---------------------|-------------------------------------------------------------|-------------------------|
| 127 | Ryan Schwanke       | Billings                                                    | MD                      |
| 128 | Samantha Lewis      | Bozeman                                                     | RN                      |
| 129 | Sarah Borduin       | Butte                                                       | RN                      |
| 130 | Sarah Bronsky       | Bozeman                                                     | MD                      |
| 131 | Sarah Morgan        | Bozeman                                                     | MD                      |
| 132 | Seth Pincus         | Bozeman                                                     | MD                      |
| 133 | Shawna Sprandel     | Billings Clinic                                             | LCSW                    |
| 134 | Shawna Yates        | Butte                                                       | DO                      |
| 135 | Shelly Eagen        | Billings                                                    | APNP                    |
| 136 | Sidney Williamson   | Bozeman                                                     | MD                      |
| 137 | sophia thompson     | Bozeman                                                     | CNA and Nursing Student |
| 138 | Stacey Pascoe       | Bozeman Health                                              | PharmD, BCPP, CPP       |
| 139 | Stacey Ziegler      | Bozeman Health                                              | NP                      |
| 140 | Susan Burton        | Butte                                                       | CNM                     |
| 141 | Sydney McKee        | Bozeman                                                     | Medical Student         |
| 142 | Tara Faris          | Bozeman Health                                              | BSN, RN, ONC            |
| 143 | Tara Lee            | Kalispell                                                   | RN                      |
| 144 | Thomas Kelly        | Bozeman                                                     | MD                      |
| 145 | Tory Katz Kelly MD  | Bozeman                                                     | MD                      |
| 146 | Tracy Fairbanks     | Bozeman Health                                              | MD                      |
| 147 | Tracy Karro         | Bozeman                                                     | RN                      |
| 148 | Trisha Mitchell     | Bozeman                                                     | MD                      |
| 149 | Vanessa Vandersloot | Billings Clinic                                             | MA                      |
| 150 | Zachary Sturges     | Bozeman Health<br>Hospital/Absaroka<br>Emergency Physicians | MD                      |
| 151 | Zoe Unruh           | Billings Clinic                                             | RN                      |

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Thursday, March 25, 2021 12:18 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill SB-280: Revise vital statistics laws regarding sex designation on birth certificate 2021-03-26 08:00 AM - (H) Judiciary Successfully Submitted on 03-25-21 00:18

**Details:**

**Bill:** SB-280: Revise vital statistics laws regarding sex designation on birth certificate 2021-03-26 08:00 AM - (H) Judiciary

**Position:** Opponent

**Representing an Entity/Another Person:** No

**Organization:** N/A

**Name:** Michelle Rector Sanchez

**Email:** msrector@hotmail.com

**Phone:** (406) 439-8800

**City, State:** Helena

**Written Statement:** I am a mom who, like most parents, loves her child unconditionally.

My child was a very happy baby, a happy toddler and happy elementary school kid. But things began to change at the beginning of middle school. My child became depressed, withdrawn, frightened and reclusive. I was afraid I could lose him to suicide. It was eventually realized that my child identifies as transgender.

As his mom I witnessed the extreme agony, pain, confusion and challenges he faced coming to terms with his identity and then the courage, bravery and he showed when he accepted his transgender status.

This was a very personal journey for my son and our family and the decisions made were not taken lightly and definitely had no place for government interference.

My son is now happy and healthy and ready to continue with his young life. I am intensively proud of him.

As a parent of a transgender person I am horrified to think there are people within our government who are willing to hurt and discriminate against my son just because of who he was born to be. Imagine if it was your own child, grandchild, niece or nephew.

If the legislature passed a law to discriminate against children born with blue eyes, or with one arm it would warrant the same outrage.

Life is challenging for all of us without needless obstacles. These bills are unkind and cruel and serve no other purpose than to discriminate.

Please vote NO on SB280.

**Files:**

**Testify via Zoom:** No

**Zoom Method:** N/A

Dear Judiciary Committee members:

There is much I wish to say about this and other anti-LGBTQIAA+ bills currently in the legislature, but I will keep this short and to one point: Voting "no" on this bill will save lives. Trans youth (many of whom are in the closet and indistinguishable from your grandsons and daughters) may not be watching these hearings, but they have an acute social sense, and they will be aware of what their government thinks of them if bills like SB-280 become law.

This bill sends a statement that the State of Montana would rather impede trans people's lives than support or empower them. It says to the shy, unsure trans kids, "there is no hope for you—you are what we say you are—and we deny you." Trans youth are some of the most vulnerable kids in our state, and bills like this will push some of them further into despair. And bills like this *will* push some of them to end their lives.

And the alternative is so simple: just support trans and LGBTQIAA+ youth in this state. Voting "no" on this transphobic bill and others would be a great start.

If a trans person is at the point in life where he or she wants (or needs, etc.) to change their birth certificate, then, in my opinion, that alone is enough to engender their right to have their vital records updated. In a way, not updating the record at that point makes the vital statistics **less accurate**, not more. Notwithstanding proponents' odd fixation on Montanans' genitalia, there is no good reason to condition the update on some arbitrary future procedure that not every trans man or woman chooses to undergo.

This bill is transphobic because trans people are (to borrow the proponents' word) the "sex" that they identify with well before transitioning medically. This bill infringes on youth rights because no minors can or will have gender-affirming surgery but may want to have their records updated (for colleges, drivers licenses, etc.)—not to mention the terrible impact it and its ilk will have on the health and wellbeing of that vulnerable population. I urge you to vote "no."

# WITNESS STATEMENT

## LEG Committee-House Judiciary testimony

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**From:** leg-noreply@mt.gov  
**Sent:** Wednesday, March 24, 2021 11:24 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill SB-280: Revise vital statistics laws regarding sex designation on birth certificate 2021-03-26 08:00 AM - (H) Judiciary Successfully Submitted on 03-24-21 23:24  
**Attachments:** Opponent SB-280 Testimony Miglin.pdf

### Details:

Bill: SB-280: Revise vital statistics laws regarding sex designation on birth certificate 2021-03-26 08:00 AM - (H) Judiciary

Position: Opponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Garrett Miglin

Email: tl.garrett.6@outlook.com

Phone: (123) 456-8522

City, State: Missoula, MT

Written Statement: Dear Judiciary Committee members:

There is much I wish to say about this and other anti-LGBTQIAA+ bills currently in the legislature, but I will keep this short and to one point: Voting "no" on this bill will save lives. Trans youth (many of whom are in the closet and indistinguishable from your grandsons and daughters) may not be watching these hearings, but they have an acute social sense, and they will be aware of what their government thinks of them if bills like SB-280 become law.

This bill sends a statement that the State of Montana would rather impede trans people's lives than support or empower them. It says to the shy, unsure trans kids, "there is no hope for you—you are what we say you are—and we deny you." Trans youth are some of the most vulnerable kids in our state, and bills like this will push some of them further into despair. And bills like this will push some of them to end their lives.

And the alternative is so simple: just support trans and LGBTQIAA+ youth in this state. Voting "no" on this transphobic bill and others would be a great start.

If a trans person is at the point in life where he or she wants (or needs, etc.) to change their birth certificate, then, in my opinion, that alone is enough to engender their right to have their vital records updated. In a way, not updating the record at that point makes the vital statistics less accurate, not more. Notwithstanding proponents' odd fixation on Montanans' genitalia, there is no good reason to condition the update on some arbitrary future procedure that not every trans man or woman chooses to undergo.

This bill is transphobic because trans people are (to borrow the proponents' word) the "sex" that they identify with well before transitioning medically. This bill infringes on youth rights because no minors can or will have gender-affirming surgery but may want to have their records updated (for colleges, drivers licenses, etc.)—not to mention the terrible impact it and its ilk will have on the health and wellbeing of that vulnerable population. I urge you to vote "no."

Files: Opponent SB-280 Testimony Miglin.pdf Testify via Zoom: No Zoom Method: N/A



**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Wednesday, March 24, 2021 10:24 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill SB-280: Revise vital statistics laws regarding sex designation on birth certificate 2021-03-26 08:00 AM - (H) Judiciary Successfully Submitted on 03-24-21 22:24

**Details:**

Bill: SB-280: Revise vital statistics laws regarding sex designation on birth certificate 2021-03-26 08:00 AM - (H) Judiciary

Position: Opponent

Representing an Entity/Another Person: Yes

Organization: League of Women Voters Montana

Name: Montana League of Women Voters

Email: nancleifer@gmail.com

Phone: (406) 207-9114

City, State: Missoula

Written Statement: The League of Women Voters Montana is committed to diversity, equity, and inclusion in principle and practice. Diversity refers to population groups that have been historically underrepresented, including transgender individuals. This legislation creates a barrier to a group of individuals because of their gender orientation. This legislation negatively affects a group in our community by requiring surgical procedures and a court order in defining identity.

The League of Women Voters asks this Committee to oppose SB 280. Thank you for this opportunity to offer testimony.

**Files:**

Testify via Zoom: No

Zoom Method: N/A

# WITNESS STATEMENT

**Anna Louise Peterson, Ed.D., LCPC**

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**402 East Beckwith Missoula, MT 59801 (406) 531-0659**

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Members of the Committee:

I am a Licensed Clinical Professional Counselor practicing in Missoula. My counseling practice is focused almost entirely on supporting transgender Montanans, many of whom will be directly impacted by this proposed legislation. In both my professional role, and personally as a transgender woman myself, I am compelled to express my strong opposition to SB 280.

I suspect that the members of this committee have never had the experience of navigating life while carrying documents that do not match your identity and appearance. So I urge you to consider for a moment what this is like. Imagine going through TSA carrying identification which states that you are a gender which you are not. How does that go? Play out that scenario. Then consider the countless small and large encounters in which our records and identity documents are accessed and examined, with and without our awareness. Imagine being pulled over by law enforcement for a broken tail light, applying for a concealed carry permit, having a background check done on you as part of a job application. Buying a beer at a baseball game. Cashing a check.

Imagine handing your ID to a law enforcement officer, having them stare at it with a glower and say: *this isn't you*. I have had this experience. It is terrifying. And it is the reality what we as trans people both fear and face when we are unable to obtain accurate identity documents. It's a reality which can prevent us from participating fully in public life, which often impedes our ability to enjoy the full rights and privileges of citizenship...a reality which too often places us in danger.

While our birth certificate itself is not a document we are regularly required to produce, it is one which forms an important foundation upon which others are based. Which is why the changes made by DPHHS making it easier to change the gender marker on a Montana birth certificate marked a simple but deeply humanitarian gesture. By contrast, returning to a standard in which proof of surgery is required in order to make that change is not only based on long-outdated thinking, it is simply irrational. Among other things, it imposes a requirement that trans people become sterilized, whether they wish to or not. This stands in striking and bizarre contradiction to the alarm some members of this legislature have expressed about the implications of sterilizing surgeries in other legislation currently making its way through this body.

Finally, I would like to speak briefly about my personal experience of changing the gender marker on my own birth certificate. I was born in Utah where, as currently in Montana, making that change was a mundane clerical procedure. But the implications for me were profound. When I opened the envelope and saw my birth certificate, finally fully correct, I wept. After years of fear and harassment and humiliation, I felt whole. I felt...safer. I felt joy.

Please don't steal away our safety. Please don't steal our joy. Please vote no.

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Friday, March 26, 2021**

**SB 280 - Revise vital statistics laws regarding sex designation on birth certificate**

**Sponsor: Sen. Carl Glimm (R)**

**PLEASE PRINT**

| Name              | Representing        | Support | Oppose       | Info |
|-------------------|---------------------|---------|--------------|------|
| Shawn Reagon      | MT Human Rights Net |         | X            |      |
| Jeff Caseloff     | mt. Family Fedn     | X       |              |      |
| Laurel Hesse      | ACLU of Montana     |         | X            |      |
| Donna Elford      | Self                | X       |              |      |
| Adrian Jaworski   | Montana Nativebk    |         | X            |      |
| Carolyn Truscott  | self                | X       | <del>X</del> |      |
| JACK Brink        | ASUM                |         | ✓            |      |
| Ruth Rater        | Self                | X       |              |      |
| Janne Trevisi     | Self                | X       |              |      |
| Allison Reinhardt | MAS                 |         | ✓            |      |
| Cindy Roscoe      | Self                | X       |              |      |
| Cindy Hoy         | Self                | X       |              |      |
| Alli Kevatun      | Self                |         | o            |      |
| Rachel Schmidt    | ASMSU               |         | X            |      |
| Michael Wells     | Maffre Fench        | X       |              |      |
|                   |                     |         |              |      |
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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**HOUSE JUDICIARY COMMITTEE**

**Friday, March 26, 2021**

**SB 283 - Generally revise laws regarding firearms on school grounds**

**Sponsor: Sen. Carl Glimm (R)**

**PLEASE PRINT**[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Friday, March 26, 2021**

**SB 315 - Adopt the Born-Alive Infant Protection Act**

**Sponsor: Sen. David Howard (R)**

**PLEASE PRINT**

| Name             | Representing                      | Support | Oppose | Info |
|------------------|-----------------------------------|---------|--------|------|
| Kaitlyn Ruch     | Students for Life                 | X       |        |      |
| Darin Gans       | Self                              | X       |        |      |
| Michael Wells    | Maggie Funk                       | X       |        |      |
| Coelen McQuilkin | Self                              |         | X      |      |
| Cindy Roscoe     | myself                            | X       |        |      |
| Jeff Eschloff    | MYF                               | X       |        |      |
| Matthew Brower   | Montana Catholic Conference       | X       |        |      |
| Donna Esch       | Self                              | X       |        |      |
| Carolyn Truscott | <del>ProLife</del> ProLife Helena | X       |        |      |
| Glenn Oppel      | Governor's Office                 | X       |        |      |
| Dennis River     | law & class Young Repub           | X       |        |      |
| Ruth Rater       | Self                              | X       |        |      |
| Joanne Trues     | Self                              | X       |        |      |
| Cindy Hoy        | Self                              | X       |        |      |
| Jacob Corcoran   | Self                              | X       |        |      |
|                  |                                   |         |        |      |
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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**HOUSE JUDICIARY COMMITTEE**

**Friday, March 26, 2021**

## SB 344 - Allow for adult inmates at Pine Hills Youth Correctional Facility

**Sponsor: Sen. Kenneth Bogner (R)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

## House Judiciary Zoom Testimony 03.26.2021

| Bill          | Name                         | Location          | Email                       | Position              | Affiliation                                     |
|---------------|------------------------------|-------------------|-----------------------------|-----------------------|-------------------------------------------------|
| <b>SB-280</b> | <b>Opponents</b>             |                   |                             |                       |                                                 |
| SB-280        | Lauren Wilson                | Missoula, Montana | wilson.lauren@gmail.com     | Opponent              | MT Chapter, American Academy of Pediatrics      |
| SB-280        | Anna Louise Peterson         | Missoula, Montana | annalogology@protonmail.com | Opponent              |                                                 |
| SB-280        | Kathryn Lowe                 | Bozeman, Montana  | kmelland@yahoo.com          | Opponent              |                                                 |
| SB-280        | SJ Howell                    | Helena, Montana   | howell@montanawomenvote.org | Opponent              | MT Women Vote                                   |
| SB-280        | Izzy Milch                   | Missoula, Montana | izzy@forwardmontana.org     | Opponent              | Forward Montana                                 |
| SB-280        | Zuri Moreno                  | Missoula, Montana | zre.moreno@gmail.com        | Opponent              |                                                 |
| SB-280        | Kelsen Young                 | Helena, Montana   | kyoung@mcadvs.com           | Opponent              | MT Coalition Against Domestic & Sexual Violence |
|               |                              |                   |                             |                       |                                                 |
| <b>SB-283</b> | <b>Proponents</b>            |                   |                             |                       |                                                 |
| SB-283        | Emily Dean                   | Helena, Montana   | edean@mtsa.org              | Proponent             | MT School Boards Association                    |
| SB-283        | Jule Walker                  | Helena, Montana   | jwalker@mtsba.org           | Proponent             | MT School Boards Association                    |
| SB-283        | Debra Silk                   | Helena, Montana   | dsilk@mtsba.org             | Proponent             | MT School Boards Association                    |
| SB-283        | Lance Melton                 | Helena, Montana   | lmelton@mtsba.org           | Proponent             | MT School Boards Association                    |
|               |                              |                   |                             |                       |                                                 |
| <b>SB-315</b> | <b>Opponent</b>              |                   |                             |                       |                                                 |
| SB-315        | Iko'tsimiskimaki Beck        | Missoula, Montana | ekoo.beck@gmail.com         | Opponent              |                                                 |
|               |                              |                   |                             |                       |                                                 |
| <b>SB-344</b> | <b>Opponents</b>             |                   |                             |                       |                                                 |
| SB-344        | Laurie Little Dog            | Bozeman, Montana  | laurielittledog@gmail.com   | Opponent              |                                                 |
| SB-344        | SJ Howell                    | Helena, Montana   | howell@montanawomenvote.org | Opponent              | MT Women Vote                                   |
| <b>SB-344</b> | <b>Informational Witness</b> |                   |                             |                       |                                                 |
| SB-344        | Colleen Ambrose              | Helena, Montana   | carolyn.bright@mt.gov       | Informational Witness | DOC                                             |





# MONTANA NATIVE VOTE

P. O. Box 2433  
BILLINGS, MT 59103

March 25, 2021

Montana Native Vote  
P.O. Box 2433  
Billings, MT 59103

Judiciary Committee  
1301 East Sixth Avenue  
Room 137  
Helena, MT 59601

**ADDITIONAL  
DOCUMENTS**

To the Judiciary Committee,

We at Montana Native Vote are writing to express our opposition to Senate Bill 315, the “Adopt the born-alive infant protection act,” as it is unnecessary and arbitrary. First, state and federal laws protecting born-alive infants already exist. The born-alive infants protection act of 2002 established that federal legal protections apply to children born at any stage of development. But in addition, even given these protections, this situation is very rare and almost never occurs.

The main difference between the bill you are hearing today and the born-alive infants protection act of 2002 is that the 2002 bill did not create excessive civil or criminal penalties for doctors and healthcare providers. SB 315, on the other hand, creates high-stakes punishments for a situation that is both highly unlikely, and is already illegal in the first place.

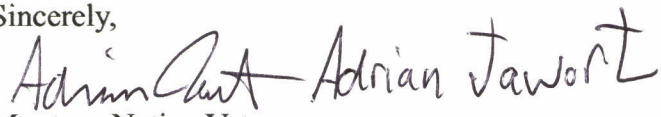
The bill, then, is simply an unnecessary scaremongering tactic disguised with inflammatory wording, used to ramp up an anti-choice frontage and further stigmatize healthcare providers and intimidate women from seeking reproductive healthcare.

We at Montana Native Vote believe in the equal opportunity for access to quality healthcare for people of all gender identities and backgrounds. The attack this bill launches is an opposition to that belief, a threat to equal healthcare access, an attack on the right for women to make choices about their own bodies, and therefore a method for further oppressing the women who are most marginalized in this state and nation.

If passed, this bill will make it most difficult--if not impossible--for low-income, Black and Indigenous women to access safe healthcare choices.

For these reasons, we urge you to vote no on SB 315.

Sincerely,

  
Montana Native Vote